

# PARLIAMENTARY ELECTIONS

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J. RENWICK SEAGER, C.B.B.

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**PARLIAMENTARY ELECTIONS**



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# PARLIAMENTARY ELECTIONS

UNDER THE REFORM ACT, 1918

As Amended by Later Legislation

BY

J. RENWICK SEAGER, C.B.E.,

AUTHOR OF "NOTES ON REGISTRATION," "REGISTRATION OF VOTERS  
UNDER THE REFORM ACT, 1918," "MUNICIPAL ELECTIONS,"  
"CORRUPT AND ILLEGAL PRACTICES," ETC., ETC.

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## PREFACE

THE Representation of the People Act of 1918 has made some important changes in the law affecting Parliamentary Elections. Not only has the Electorate been vastly increased, the constituencies made more equal in size, and the smaller boroughs absorbed by the new county divisions, but the cost of Elections has been greatly reduced; while the provision for all polls at a General Election to be held on one day will minimise the disorganisation of business caused by the Elections extending over several weeks. The latter provision will tend to a freer election, eliminating the influence on Elections held on later days by those held on earlier days, which often greatly affected the voting of persons of weak political faith, who heretofore voted on what they thought to be the winning side. Posters calling Electors to "Vote for Jones and the flowing tide," once answered by a waggish agent, who put out counter posters, "Vote for Brown and dam the flowing tide," will in future be unnecessary.

The appointment of Public Officials as Returning Officers will also probably be of great value.

These notes on the effect of the Act on future Elections are not intended to be a

complete Election Guide, for which the Agent will probably turn to Parker or Rogers, but are written with the desire to assist Election Agents and others taking part in Elections in their responsible positions, having in view the alterations made by the Act in the cost and conduct of such Elections.

J. RENWICK SEAGER.

CLEVEDON,

*October, 1918*

## PREFACE TO SECOND EDITION

THE Reform Act, 1918, has been amended by later legislation, by which some of its provisions relating to delay in the counting of votes, proxy voting, and the fixing of the day of the poll at by-elections have been modified. Parliament has also granted the right to women to be elected to the House of Commons.

J. RENWICK SEAGER.

CLEVEDON,

*June, 1921.*

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# PARLIAMENTARY ELECTIONS

## CHAPTER I

### CANDIDATES

THE Reform Act, 1918, has among other provisions lessened the cost of elections. This, together with the new conditions of the franchise and the formation of new parties or sections, will probably tend to the multiplication of candidates. It may be well, therefore, to consider who are entitled to become candidates for Parliament, and what disqualifications exist which will prevent persons becoming candidates.

#### Aliens.

To be entitled to be nominated as a candidate for the House of Commons a man must be of full age and a natural born subject of the British Crown, or naturalised by Private Act of Parliament. Although a certificate of naturalisation issued by the Home Secretary will entitle a man to the franchise, it is doubtful if it will entitle him to be elected a member of the House of Commons.

The certificate of naturalisation issued by the Home Secretary under 33 and 34 Vict. cap. 14.

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sect. 7, states that the holder is "entitled to all political and other rights, powers, and privileges," but this does not necessarily confer a right to be elected; the original Act of 12 and 13 Will. 3, cap. 2, sec. 3, not having been repealed. That section enacted that no alien, although naturalised, shall be capable of being a member of either House of Parliament.

In the colonies certificates of naturalisation are granted, but they only apply to the colony where they are granted. Upon the holder of such a certificate coming to this country he is still an alien here, and is not even entitled to be registered as a voter.

### **Women.**

Women at the time of the passing of the Reform Act, 1918, were incapable of being elected to the House of Commons.

By the Parliament (Qualification of Women) Act, 1918 (8 & 9 Geo. 5, cap. 47), it has since been provided that "a woman shall not be disqualified by sex or marriage for being elected to or sitting in or voting as a member of the Commons House of Parliament." Therefore, subject to a woman being of full age (twenty-one years) and not being disqualified in any way in which a man would be disqualified, she may be elected.

### **Bankrupts.**

Any man who has been adjudicated a bankrupt is disqualified for election, until

either the bankruptcy has been annulled, or his discharge has been ordered by the Court, together with a certificate that the bankruptcy was caused by misfortune and not by any misconduct. In the case of bankruptcy without such a certificate the disability may remain for five years.

### **Corrupt Practices.**

Where in the case of an election petition a candidate has been reported guilty of personal bribery or other corrupt practice (not being treating or undue influence), or where corrupt practices were committed with the knowledge and consent of the candidate, the candidate is incapable for ever of being elected for the county or borough in which the offences were committed, and he is precluded from being elected for any county or borough for seven years after the date of the report by the Election Court.

Where the offence has been committed by an agent and the Election Court so report, the candidate is incapable of being elected for the county or borough in which the offence was committed for seven years after the date of such report.

Where on indictment a person has been convicted of a corrupt practice he is disqualified for election for seven years after the date of his conviction.

A candidate at a municipal election found guilty of a corrupt practice by a Commissioner, whether the act was his own, or with his know-



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ledge and consent, is disqualified from being a parliamentary candidate for the same period.

### **Illegal Practices.**

A person reported by an Election Court as having been guilty of illegal practices at a parliamentary election is disqualified from being a candidate for the same county or borough for a period of seven years. The same applies where the offence has been committed with his knowledge and consent.

### **Felony.**

Conviction for felony is a disqualification until the sentence has been served, or a free pardon under the Great Seal has been granted.

### **Priests.**

No priest or deacon of the Church of England or priest of the Church of Rome is capable of being elected. Dissenting ministers are entitled to be members of Parliament.

### **Contractors.**

Persons holding or executing any Government contract are ineligible as candidates. Shareholders in limited companies holding Government contracts are not disqualified.

### **Offices.**

There are many offices under Government the holding of which disqualify a man from being a candidate.

**Peers.**

English and Scotch Peers are ineligible to be members of the House of Commons. Irish Peers are qualified, unless elected as representative Peers to sit in the House of Lords.

**Returning Officer.**

Formerly a returning officer was disqualified from being a candidate for the county or borough of which he was the returning officer. By sect. 30 of the Reform Act, 1918, this disqualification is removed as the actual returning officer is now the registration officer.

## CHAPTER II

### RETURNING OFFICER

FORMERLY the sheriff in a county (or towns which were counties of themselves) and the mayor in a borough were the returning officers. Now by sect. 28 where a parliamentary county is coterminous with one administrative county the sheriff is to be the returning officer ; in the case of a parliamentary borough which is coterminous with a county of a city or town if it has a sheriff, the sheriff is returning officer ; and in the City of London the sheriffs. In a parliamentary borough coterminous with one municipal borough (not being a county of itself) the mayor is the returning officer ; where it is a London municipal borough wholly contained in the parliamentary borough, the mayor, or in the case of a borough coterminous with one urban district, the chairman of the council, are the returning officers.

In all other cases the Local Government Board are to nominate such sheriff, mayor or chairman as they choose to be the returning officer of such county or borough. [Sect. 28.]

Section 30, however, provides that the registration officer is to be the acting returning officer. The registration officer is to be, in

administrative counties the clerk of the county council, and in municipal boroughs the town clerk, where either of these areas are coterminous with parliamentary county or parliamentary borough. [Sect. 12, sub-sect. 2.]

The acting returning officer has power to appoint a deputy who has all the powers invested in the returning officer, but his appointment must receive the approval of the Local Government Board. [Sect. 12, sub-sect. 3.]

If there is a vacancy in the office of clerk of the county council or town clerk, a person may be appointed temporarily in that behalf by the chairman of the county council or by the mayor. [Sect. 12, sub-sect. 4.]

The expenses of the returning officer in conducting the election heretofore were paid by the candidates in equal amounts, and according to a scale provided by the Ballot Act.

The law did not permit a returning officer to make any profit out of his office, but the scale provided for payment of certain items to the deputy returning officer for services rendered, not exceeding certain amounts, and the custom was to charge the maximum amounts allowed under the scale, and these amounts were received by him as a reward for his services as deputy returning officer.

This was really an evasion of the Act, and it would have been much fairer both to the candidates and to the returning officer if a sum had been specified which would have properly remunerated him for his services,

rather than permit charges to be made for small services such as preparation of notices, etc., from which he obtained the major part of his remuneration.

The Reform Act, however, provides that the returning officer's expenses are to be paid by the Treasury, and doubtless the schedule hereafter to be made will arrange for a fee to the returning officer outside the payments to be made for presiding officers, poll clerks and other expenses necessary to the conduct of the election.

Although the returning officer's expenses will no longer form part of a candidate's expenses, each candidate at the time of nomination must deposit with the returning officer the sum of £150. [Sect. 26.]

This deposit must be made either by the candidate, or by some one on his behalf, and must be made within the time appointed for nomination. The deposit must be made by legal tender, unless the returning officer consents to any other form of deposit. Presumably any variation from legal tender, *e.g.*, by cheque, must be made applicable to all candidates who are nominated.

Legal tender is by silver coin up to one pound, and any larger sum by Bank of England notes.

The sum so deposited will be returned where a candidate is withdrawn. Withdrawal of a candidate can only be effected within the two hours appointed for the nomination. [Ballot Act, rule 4.] Notice of withdrawal must be

given in writing by the candidate and signed by him, or where the nomination is made in the candidate's absence, by notice in writing signed by his proposer, together with a written declaration by the proposer that the candidate is absent. Where the candidate proceeds to election the deposit will be returned to him, or, on withdrawal, if not made by him, to the person who made the deposit. [Sect. 26.]

Where, however, the candidate fails to secure one-eighth of the number of votes polled, or where more than two members are to be elected one-eighth of the number polled divided by the number of members to be elected, the deposit is forfeited to the Crown. The deposit is otherwise to be returned to the candidate who is elected, as soon as he has taken the oath as a member, and to the unsuccessful candidate as soon as practicable after the declaration of the poll. [Sect. 27, sub-sect. 1.]

In the counting of the votes the number of votes polled shall be deemed to be the number of ballot papers counted, excluding all spoilt papers. In the case of election by a system of proportional representation (under the Act limited to university elections) the number of votes polled for a candidate is to be the number of first preferences. [Sect. 27, sub-sect. 2.]

Where a candidate at a general election is nominated for more than one constituency, he can only recover his deposit once. All other deposits are forfeited to the Crown, notwith-

standing the fact that he has polled in each constituency more than one-eighth of the total number of votes polled. [Sect. 27, sub-sect. 1.]

This ought to prevent bogus candidates being nominated for the purpose of dividing the forces of any political party.

The returning officer's expenses will be subject to the right of taxation by the Treasury. [Sect. 29.]

The Treasury may, on the application of the returning officer, advance a sum of money to him on account of his charges. [Sect. 29, sub-sect. 2.]



## CHAPTER III

### THE ELECTION AGENT AND HIS DUTIES

#### **The Election Agent.**

EVERY candidate must appoint an election agent. He may appoint himself if he chooses, but if he is wise he will appoint some one else to that office. The agent need not be a solicitor, and in later times very few agents are solicitors, but he must be a person who has an intimate knowledge of the law affecting elections, as the position carries with it grave responsibilities. Usually the person acting as registration agent for his political party is appointed election agent by the candidate.

The election agent may be paid or not paid, but he is usually paid a substantial fee for his services. The fee should be arranged with the candidate before commencing his work as election agent, and the agreement had better be in writing.

Any person may act as election agent, with two exceptions : (1) he must not be the returning officer, deputy returning officer, or partner or clerk to either of these officials ; (2) he must not have been found guilty of a corrupt practice at any parliamentary election by an Election Court or other tribunal within seven years of

the time of the election. Otherwise the election agent may be any man or woman appointed to that office.

Notice of the appointment of the election agent must be given to the returning officer on or before the day of nomination; as a matter of practice it will be found advisable to give such notice as soon after his appointment as possible. He must at the same time declare some place to be his office, to which all necessary documents, accounts, etc., may be delivered. This office must be within the county or borough or county of a city or town adjoining thereto.

#### **His Duties.**

He must appoint all sub-agents in a county constituency and all clerks, messengers, polling agents and counting agents in counties and boroughs.

#### **Election Accounts.**

He must keep careful accounts of his expenditure on the election. For this purpose it is well in all cases to appoint an accounts clerk whose sole duty it should be to enter up all orders given, and see that proper invoices are rendered for all goods supplied, and that proper receipts are obtained for payments made. At the same time the accounts clerk should keep proper books of account, so that at any time the election agent may see what amount has already been expended and what

liabilities beyond payments exist, and the relative position of the various items stand in view of the total sum of money placed at his disposal for the purpose of carrying on the election.

It is well for the agent, having ascertained the limit of his resources, to compile a careful schedule of the amounts he intends to spend on sub-agents, clerks, messengers and other assistance, on meetings, on printing and advertising, and all the other sundries which go to make up an election account. Having settled that schedule he should rigidly adhere to it, otherwise at the end of the election he may find all his resources exhausted and nothing left to pay his own fee. Under the Reform Act with its greatly diminished cost of elections, this is the more imperative, and agents will have to exercise more care and supervision of expenses than ever.

#### **Committee Rooms.**

The election agent at the earliest moment of the election must secure a central committee room and district committee rooms. The central committee room should be in the most accessible position in the constituency, having regard to the means of locomotion within the constituency. Care must be taken that no committee room is engaged on any premises upon which intoxicating liquor is sold or on which food or refreshment of any kind is usually sold

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for consumption on the premises. Permanent political clubs are excluded from this category.

### **Canvassing.**

He will have prepared canvass cards. Canvass books are things of the past; a card system is the only one compatible with efficiency. Envelopes addressed to all the electors also must be prepared. All these matters can and should be prepared long before the election, and their cost included in the accounts. Volunteer assistants as canvassers must be enlisted, as payment for canvassing is illegal.

### **Removals.**

He must create a department to deal with removals of registered electors, and it will be well to make a clerk responsible for this work alone.

### **Meetings.**

Arrangements for meetings also, for which he is responsible, will be with advantage worked by a clerk under his own supervision. There is no limitation in parliamentary elections of places where meetings may be held. As to meetings in elementary schools, see page 47. In county elections, the sub-agent will probably arrange for meetings in his own area in conjunction with the election agent. Care must be taken to see that these meetings are properly advertised, that the candidate is notified of the

arrangements made, and that the speakers are advised as to place and time of meeting and of the best way of reaching the place of meeting.

### **Conveyances.**

He will also have to make careful arrangements for the conveyance of voters to the poll, particularly as to voters who have removed from the address on the register. In this case, too, it is advisable to form a department with a clerk or a volunteer to carry out the details under the agent's superintendence, care being taken that no vehicle usually let for hire is used for this purpose.

### **Printer's Name.**

He must be careful to see that no printed matter is issued on behalf of the candidate that does not bear the name and address of the printer and publisher.

Above all, the election agent, if he is wise, will not undertake any detail work: he should keep general superintendence over all the election work, delegating to others the carrying out of the instructions he may issue for the various parts of the work of the election, and keeping in close touch with all his sub-agents, clerks or others charged with the various details.

All accounts must be paid by the election

agent within twenty-eight days after the declaration of the poll.

At the close of the election the election agent will prepare his return of election expenses which, together with all vouchers and the necessary declarations of the candidate and the agent, must be deposited with the returning officer within thirty-five days after the date of the declaration of the poll.

Any illegal act in the election committed by the election agent or his sub-agents may render the candidate liable to lose the seat if he has been successful at the poll. If a candidate is found guilty by his agents of any corrupt practice he is prevented from being elected to or sitting in the House of Commons for such county or borough for a period of seven years after the date of the report of the Election Court, and if he has been elected his election is void. If he is found guilty of any illegal practice by his agents, he is rendered incapable of being elected to or sitting in the House of Commons for the said county or borough during the parliament for which the election was held.

#### THE SUB-AGENT AND HIS DUTIES.

A sub-agent may be appointed for each polling district, but in view of the lessening of the maximum expenses of an election, it may be necessary to appoint a sub-agent to superintend a group of polling districts, such polling district having a clerk appointed to act in that

polling district under the instructions of the superintending sub-agent.

No person can be appointed a sub-agent who has been convicted of a corrupt practice at a parliamentary election, or who is returning officer, or one of his staff, partners or clerks.

He has power to act only in the area for which he is appointed; but within the instructions given to him by the election agent he has full power to engage clerks and messengers, hire committee rooms, arrange for meetings and order necessary printing. As a rule, however, general printing is arranged by the election agent, and only necessary local printing such as bills advertising meetings will need to be ordered by the sub-agent. It is usual also that on his appointment the election agent limits the amount the sub-agent may expend on these matters without consulting and getting instructions from the election agent. He is usually paid by fee, to be settled with the election agent, and it is well to have his appointment made in writing, specifying the area for which he is appointed, and the amount of his remuneration.

Notice of his appointment and of his address and also of the address of his office must be given to the returning officer by the election agent at least one clear day before the day fixed for the poll. It is best, however, not to leave the notice so late as this, and there is no reason why notice of the appointment of



sub-agents should not be given at the commencement of the election.

Any illegal act committed by a sub-agent is deemed to be an act of the election agent, and not only is the sub-agent liable to penalty for a corrupt or illegal practice, but the candidate will suffer the consequences of such act, as if it was committed by the election agent.

Great care, therefore, should be exercised by the agent in the selection of his sub-agents, and it is well that the agent should give clear printed instructions to his sub-agents defining the duties of each sub-agent in the area to which he has been appointed.

## CHAPTER IV

### THE ELECTION

#### Nomination.

By the Ballot Act (now made a permanent Act) a candidate must be nominated by two electors and assented to by eight other electors. The body of the nomination paper must be filled up before any signature is appended to it, and the nominator and seconder must sign it before the assentors affix their signatures. The nomination paper cannot be altered after it has been signed. If some material alteration is necessary, a fresh paper must be prepared and signed. The persons nominating or assenting must be on the register, and not only on the register but entitled to be there. The Ballot Act enacts that if their names are on the register *prima facie* they have a right to vote and therefore to nominate, and therefore the returning officer cannot refuse to accept a nomination paper on the ground that any of the signatories to the paper are not entitled to be on the register, but if an Election Court afterwards should hold that any of such signatories were not entitled to be on the register, the candidate, if elected, may be unseated. It is, therefore, of the greatest importance that election agents

should select such electors to be nominators or assentors as are without doubt entitled to have their names on the register. This is the more important now in view of the great increase in the number of electors on all registers, and the different classes and ages of those men and women who by the Reform Act become for the first time entitled to a vote. The nomination paper must be handed to the returning officer by the candidate or his nominator or seconder and by no other persons.

#### **Deposit.**

At the time of nomination, within the two hours allotted for this business, the candidate or some one on his behalf must deposit with the returning officer the sum of £150.

#### **Objection to Nomination.**

The returning officer or some other person may object to the validity of the nomination paper within two hours after the latest time fixed for the nomination. Who that "some other person" is, is not defined, but presumably another candidate or his agent or an elector would all be entitled to object. The returning officer must give his decision : if he disallows the objection his decision is final, but if he allows the objection which disqualifies the candidate whose paper is objected to, his decision is subject to review by petition afterwards.

The objection cannot be allowed to the

qualification of a candidate, but only to questions such as the delivery of the nomination paper by some one other than the candidate or his nominators or seconders, *e.g.*, delivery by an agent; or that the nomination paper is subscribed by some person not an elector on the register, thus reducing the number of qualified electors nominating or assenting. If more than eight signatures are appended as assentors, the disallowance of a number which still leaves eight qualified electors' signatures does not invalidate the nomination.

#### **Withdrawal of a Candidate.**

Any candidate may withdraw his nomination during the two hours allowed for the nomination, but not afterwards. The notice of withdrawal must be in writing signed by him; if the candidate is absent from the kingdom, then by the proposer of the candidate by notice in writing accompanied by a declaration that the candidate is absent.

If the candidate or some one on his behalf fails to make the deposit of £150 prescribed by the Act within the two hours allotted for the nomination, it amounts to a withdrawal of his candidature.

As to the day to be fixed for the nomination see page 27.

#### **Death of Candidate.**

Where a candidate dies after nomination but before the day of the poll, the duty of the

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returning officer is to countermand the notice of the poll. The proceedings with reference to nomination will be commenced afresh in all respects as if the writ had been received by the returning officer on the day on which proof was given to him of such death. No fresh nomination is necessary in the case of a candidate who stood nominated at the time of the countermand of the poll. [Ballot Act, sect. 1.]

### Polling Stations.

Under the Ballot Act polling stations are to be provided so that an elector should not be more than three miles from his residence to the polling station in a county division, while in boroughs a polling station is to be provided for each polling district so that an elector shall not be more than one mile from his residence to the polling station. The fixing of these polling stations lies with the returning officer.

### Place of Election.

The returning officer is to appoint some place within the parliamentary borough, or in the case of a parliamentary county or county division, some place within the county or within a parliamentary borough adjoining the county, to be the place of election. [Sect. 32.]

This means a place at which the nomination takes place, but not the building in which it is held. The returning officer fixes the latter at the time of his giving notice of the election.

*Polling Districts.*

One of the first duties of the council whose clerk is the returning officer will be to divide the constituency into polling districts and to appoint such polling places in such a manner as to give to all voters such reasonable facilities for voting as are practicable. [Sect. 31.]

A polling place means the town or place where the poll will be taken, not the particular building in which the ballot papers are issued. The appointment of such building must be left to the returning officer at the time of the election.

In the County of London the metropolitan borough councils must submit a draft of their schemes for this purpose to the London County Council, and take into consideration any suggestions made by the county council.

If a local authority is dissatisfied with a suggested scheme of polling districts or polling places they have power to appeal to the Local Government Board, who may, if they think fit, direct the council whose duty it is to divide the constituency, to make necessary alterations. If these directions are ignored, the Local Government Board may themselves make the alterations. [Sect. 31, sub-sect. 2.] "Local authority" means the council of any county, borough, urban or rural district or parish, or the parish meeting where there is no parish council.

Thirty electors also have power to appeal to

the Local Government Board if they are dissatisfied with the scheme of division, and the same procedure as above stated in reference to a local authority will take place. [Sect. 31, sub-sect. 2.]

When the divisions of polling districts and the appointment of polling places have been made by the local council, they are to send a report to the Local Government Board and to publish in the constituency a notice showing the boundaries of any polling district and the situation of any polling places appointed by them. [Sect. 31, sub-sect. 3.]

Polling districts constituted or polling places appointed before the passing of the Act are not to be affected until occasion arises for the exercise of the powers given by the Act. [Sect. 31, sub-sect. 6.]

This section does not apply to university constituencies.

### *The Register.*

#### **Register.**

An elector on the register is entitled during the existence of that register to vote at any parliamentary election held in that constituency. [Sect. 8.]

This apparently makes the register final during its existence, and apparently abolishes the right of petition for a scrutiny.

The same section limits the right of a male elector to vote more than once for a qualification



for a residence, although he may be registered elsewhere for another residence. He may vote in another constituency for an occupation vote as well, but only once, no matter how many qualifications he may be registered for. If he is a university voter he may vote for his university as well as for his residence, but if he has no residence vote, but possesses an occupation vote and a university vote, he cannot vote for both, but may vote for either. [Sect. 8, sub-sect. 1.]

A woman voter is entitled to vote either as a local government elector for her own occupation or in respect of her husband's local government qualification, and may vote once in respect of that qualification, and if she is a university voter once also in respect of that qualification. [Sect. 8.] This is quite clear, but whether a woman can vote in two constituencies in respect of her own occupation in each or in respect of her own occupation in one and her husband's occupation in the other is not clearly stated in this section. [Sect. 8, sub-sect. 1.]

A man cannot vote for two occupation qualifications in different constituencies; but he may have in addition to a residential qualification in one constituency an occupation qualification in another and may vote for these. A woman cannot have a residential qualification, but the words of the section are ambiguous. It says: "A woman shall not vote for more than one constituency for which she is registered

by virtue of her own or her husband's local government qualification, or for more than one constituency for which she is registered by virtue of any other qualification." These words are almost identical with words in the section dealing with the man's vote which says : "A man shall not vote at a general election for more than one constituency for which he is registered by virtue of a residence qualification, or for more than one constituency for which he is registered by virtue of other qualifications of whatever kind." The words "by virtue of any other qualification" do not specifically refer to the university vote. The statutory questions, however, which may be asked of an elector at the poll [Sched. II., part 2] indicate, in the case of a woman, that she is only entitled to vote for a university qualification in addition to her occupation qualification : "Have you already voted at this general election?"

NOTE : Unless the answer to the question is in the negative, the woman shall not vote, unless she satisfies the presiding officer that her previous vote was given at a university election. At a university election the woman has to make a declaration that she has not voted for any other university constituency.

At a by-election any elector may vote if registered, but only once.

### **The Poll.**

By section 21 at a general election all polls are to be held on one day, and the day fixed

for nominations is to be the same in all constituencies.

This will tend to obtain a more accurate expression of opinion of the electorate than the system which existed heretofore, by which the returning officer had some latitude in the fixing of the polling day, and by means of which he was able to fix various days for different county divisions, while in the case of boroughs the polling day was necessarily much earlier than in the counties. The effect of this arrangement was that popular feeling was aroused in many places by the success or non-success of candidates in the earlier elections. The desire on the part of persons without fixed political views was to be on the winning side, and this was reflected largely in the county elections which took place after the borough elections.

In Orkney and Zetland the poll is open for two days. [Sect. 43, sub-sect. 14.]

At a general election the nomination must take place on the eighth day after the date of the proclamation declaring the calling of Parliament, while the day of the poll is to be the ninth day after the day of nomination. [Sched. II., part 1, and sect. 21 (1).]

The Act makes no provision for nomination in case of a by-election, for a county or county borough, and therefore Part I., Sched. I. of the Ballot Act must be relied on, which provides that in a county or district borough the nomination is to be not later than the ninth day after

the receipt of the writ, and an interval of not less than three clear days between the notice of election and the day of election (or nomination). But the R. P. Act (No. 2), 1920, sect. 3, provides that

“The day fixed for nomination in boroughs shall not be later than the seventh day after the returning officer receives the writ, with an interval of not less than two clear days between the day on which the returning officer gives the notice and the day of nomination, and—

“The poll shall take place on such day as the returning officer may appoint, not being less than six or more than eight clear days after the date fixed for nomination.”

The poll for university constituencies in England, Ireland or Wales will be open for five days, commencing not more than twelve and not less than three clear days after the day of nomination. [Sched. V., sub-sect. 9.]

Voting in university elections is not by ballot but by voting papers; these may be sent by post to the returning officer. The hours of polling must be at least on four hours on each of the days fixed and must be between the hours of 8 a.m. and 8 p.m. If the returning officer determines to accept votes in person, these hours must be extended to six hours on such days as personal voting is allowed. [Sub-sect. 13.]

In Scottish university constituencies the poll will be open not less than four days nor more than six days between 8 a.m. and 8 p.m. The

voting is by voting papers and no personal voting is permitted. [Sched. V., part 2, sub-sect. 17.]

### **Voting.**

No elector is entitled to vote in more than one constituency at a general election, unless, being a man, he has in addition to a vote for residence a vote as an occupier in another constituency or a vote for a university constituency, or a woman who is thirty years of age and has a local government vote as an occupier and a vote for a university constituency.

The penalty for voting for more constituencies than the voter is entitled to vote for, is that applying to an illegal practice. To apply for a ballot paper or a voting paper for the purpose of voting is equally an offence rendering the voter liable to the same penalty. [Sec. 22.]

The penalty attaching to an illegal practice is a fine of £100 and deprivation of the right of voting for five years for any election held for or within the county or borough where the offence was committed, while, if the offence is committed by an agent of the candidate, the candidate, if successful, may be unseated on petition.

Where there is an equality of votes and the returning officer gives a vote in pursuance of sect. 2 of the Ballot Act it is not to be deemed to be giving a vote as a parliamentary elector. [Sect. 22, sub-sect. 1 (c).] In such a case the

returning officer votes openly and not by a ballot paper.

A voter may have questions put to him at the poll in addition to the question proving his identity. [Sched. II., Part II.]

Under the C. and I.P.P. Act, 1883, the offence of applying for a ballot paper or voting more than once in a constituency was included in the offence of personation which carried with it the penalty applied to a corrupt practice, which was much more severe.

By this Act there is a power for the court before whom a person is convicted, if they think fit, to mitigate the penalty so far as any incapacity imposed by the C. and I.P.P. Act, 1883. The person offending may therefore be subject to a fine without depriving the person of his voting rights. [Sect. 22 (a).]

### Agents Voting.

Hitherto paid agents, sub-agents, clerks and messengers at an election were prohibited from voting at the election at which they were engaged. This disability has now been taken away by sect. 9.

Persons employed by the returning officer who are unable by reason of their employment to vote at the polling station at which they would be entitled to vote, may vote at any other polling station in the constituency, if the returning officer authorises them by a certificate given in a prescribed form.



It has been customary for persons employed by the returning officer, such as presiding officers or poll clerks, to obtain permission to leave their own polling station to vote in their proper polling station. This will now obviate the necessity of their leaving their duties to vote. [Sect. 24.]

### Absent Voters.

A new class of voting was created by the Reform Act, 1918, to enable naval and military voters to vote by proxy. Sect. 23, sub-sect. 4, dealing with this matter, has been amended by Sect. 2 Representation of the People Act, 1920. By that section any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies the registration officer as to the *bona fides* of such statement, shall be entitled, if he so desires, to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of the Act.

The proxy must be appointed in writing by means of a proxy paper: such proxy paper will by sect. 2, sub-sect. 2, unless cancelled, remain in force so long as the elector continues to be registered in respect of the same qualification, and to be on the absent voters list. Any proxy paper in force at the date of the commence-



ment of this Act (two months after August 16th, 1920) shall continue in force.

Where a person has appointed a proxy no ballot paper shall be sent to such person for the purpose of voting by post, while the proxy is in force; or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

The person to act as proxy must be either the wife, husband, parent, brother, or sister of the elector, or one who is a registered parliamentary elector for the constituency. In the case of a brother or sister they must be of full age, viz., twenty-one years of age.

Only one person may be appointed as a proxy in the same constituency and in no case where he is registered in more than one constituency, more than two persons. No person may vote as proxy on behalf of more than two absent voters, unless the proxy is husband or wife, parent, brother or sister of the absent voter. [Sched. III. 7.]

Where persons are entered on the absent voters list and have not given a proxy, the returning officer as soon as practicable after the nomination will send a ballot paper to the elector by post to the address recorded by the registration officer together with a declaration of identity, provided that the address is an address in the United Kingdom. [Reform Act, 1918, sect. 23, sub-sect. 1.] [R. P. Act, 1920, sect. 2.]

When the absent elector has marked his

ballot paper he may return it to the returning officer together with the declaration of identity signed and authenticated, and if the ballot paper is received by the returning officer before the close of the poll, it will be counted by him as if it had been placed in the ballot box in the ordinary manner. [Sect. 23, sub-sect. 2.]

The provision by Reform Act, 1918, that the counting of votes may be delayed to a time not exceeding eight days after the closing of the poll, to allow of the receipt of ballot papers from persons on the absent voters list, was repealed by Representation of the People (No. 2) Act, 1920.

### A. ISSUE OF PROXY PAPERS

1. An application by an elector for the issue of a proxy paper must be in the following form or in form to the like effect:—

#### REPRESENTATION OF THE PEOPLE ACT, 1918.

##### APPLICATION FOR APPOINTMENT OF A PROXY.

To the registration officer for (*here insert name of county or borough in which the qualifying premises are situated*).

I, .....being entitled to vote by proxy and being, or believing myself to be, qualified for registration as a parliamentary elector in respect of (*here insert address of qualifying premises including, if possible, the county or borough or parish as the case may be*), hereby apply for the issue of a proxy paper appointing (*here insert name of person to act as proxy*), who resides at (*here insert his or her full address*), and is (*here insert relationship, if any, to the elector*),

or failing him or her (*here may be inserted one or two other names with addresses and relationships if any, in order of preference, if the elector desires alternatives in case the first named is unwilling or unable to act or is not qualified for acting*), as my proxy to vote on my behalf at parliamentary elections for the constituency of.....

Signed..... (*here insert merchant seaman, pilot or fisherman, or Red Cross or other recognised war service, or if the elector is in the Navy, Army, or Air Force, particulars as to number, ship, regiment, rank, rating, etc.*)

Witnessed by (*the witness should be some person to whom the elector is known, and in the case of a sailor, soldier, or airman, should, if possible, be an officer*).

Rank, occupation, etc.....

Date .....

2. An application by a person authorised by an elector for the issue of a proxy paper shall be made by sending or delivering to the registration officer an authorisation by the elector in the following form or in a form to the like effect :—

#### REPRESENTATION OF THE PEOPLE ACT, 1918.

##### AUTHORITY TO APPLY FOR APPOINTMENT OF A PROXY.

To the registration officer for (*here insert name of county or borough in which the qualifying premises are situated*).

I,..... being entitled to vote by proxy and being, or believing myself to be, qualified for registration as a parliamentary elector in respect of (*here insert address of qualifying premises, including, if possible, the county or borough or parish as the case may be*), hereby authorise (*here insert name of person*

*authorised to apply for a proxy paper*). who resides at ..... and who is (*here insert relationship, if any, to the elector*), or failing him or her (*here may be inserted one or two other names with addresses and relationship to the elector, if any, in order of preference, if the elector desires alternatives in case the first named is unwilling or unable to act, or is not qualified for acting*) as my proxy to vote on my behalf at parliamentary elections for the constituency of....

Signed..... (*here insert merchant seaman, pilot or fisherman, or Red Cross or other recognised war service, or if the elector is in the Navy, Army or Air Force, particulars as to number, ship, regiment, rank, rating, etc.*)

Witnessed by (*the witness should be some person to whom the elector is known, and in the case of a sailor, soldier or airman, should, if possible, be an officer.*)

Rank, occupation, etc.....

Date.....

NOTE.—This authority will not be recognised unless it is duly signed and witnessed and dated, and the name and address of the authorised person and the names of the person or persons, one of whom is to be appointed as proxy, is filled in by the elector. Any other particulars may, if desired, be left to be filled in by the authorised person. The authorised person must send or deliver this form to the registration officer.

The authorised person may, of course, be entered as the person or one of the persons to be appointed as proxy, if qualified. If so it will be convenient if before sending this form to the registration officer he will sign the statement below showing that he is willing to act as proxy :

I am willing to act as proxy.

Signature of authorised person.....

Date.....

3. The registration officer on receiving an application for the appointment of a proxy shall, if satisfied that a proxy may be appointed, intimate to the person named as a proxy (or if more than one is named to the first named) unless he knows that that person is not qualified to be appointed as proxy, or has expressed his unwillingness to act, that it is proposed to appoint him as proxy for the elector, and that if no notice is received within seven days intimating that he is unwilling or unable to act as proxy for the elector, a proxy paper will be issued to him and he will be entered on the list of proxies.

If at the expiration of the said seven days no notice is received intimating that the person named (or first named) as proxy is unable or unwilling so to act, the registration officer shall send or deliver a proxy paper to that person, unless otherwise directed, and shall enter his name on the list of proxies.

4. If within seven days from the date of sending the intimation, notice is received by the registration officer informing him that the person named is unable or unwilling so to act, the registration officer shall, if a second or third name is given in

the form of application, deal in like manner with the person or persons so named.

If the person named, or if more than one person is named, all of the persons named, are unable or unwilling so to act, or are not qualified to act, or if for any other reason the registration officer does not comply with the application and issue a proxy paper, the registration officer shall send a notice to the elector informing him that no proxy paper has been issued, and explaining the reason.

5. The proxy paper to be issued by the returning officer shall be in the following form or a form to the like effect :—

#### REPRESENTATION OF THE PEOPLE ACT, 1918.

##### PROXY PAPER.

Constituency.....  
 Polling District.....  
 Name.....  
 Address.....

is hereby appointed a proxy for (*name of elector*), who is registered as a parliamentary elector in respect of (*address of qualifying premises*) to vote for such elector at all parliamentary elections for the above constituency while this proxy paper remains in force.

Signature of registration officer.....  
 Date.....

NOTE.—The person appointed as proxy should carefully preserve this paper, which must be produced at each election to the presiding officer at the polling booth, who will then issue a ballot paper to be marked in the usual way.

## B. CANCELLATION OF PROXY PAPERS.

6. A notice to the registration officer cancelling a proxy paper must be in the following form or in a form to the like effect :—

## REPRESENTATION OF THE PEOPLE ACT, 1918.

To the registration officer for.....

I,..... being registered as a parliamentary elector in respect of the following premises (*here insert address of qualifying premises, including, if possible, the county or borough or parish as the case may be*), hereby cancel any proxy paper issued in respect of the above qualification.

Signed .....

Witnessed by (*the witness should be some person to whom the elector is known, and in the case of a sailor, soldier or airman should, if possible, be an officer*).

Date.....

7. Where a proxy paper is cancelled the registration officer shall send notice of the cancellation to the person who has been appointed proxy under the cancelled paper, and shall delete his name from the list of proxies.

## C. GENERAL.

8. This order shall take effect from the date hereof, and except as respects Scotland, shall take effect provisionally in accordance with the provisions of section 2 of the Rules Publication Act, 1893.
9. This order may be cited as the Proxy Paper Order, 1918.



While great privileges have been extended to the absent voter by giving him the right to vote by proxy, or through the post, any person who commits an act outside the United Kingdom which would have rendered him liable to prosecution under the Ballot Act or the Corrupt and Illegal Practices Prevention Act, 1883, or under the present Act, is liable to be proceeded against and punished as though the act had been committed in the United Kingdom. The prosecution may be held over until the return of the person charged to the United Kingdom. [Sect. 38.]

#### Counting the Votes.

Under ordinary circumstances the votes must be counted as soon as practicable after the close of the poll. In boroughs usually this, by agreement between the agents, was done on the day of the poll, but in counties it was necessarily on the day succeeding the poll. The counting of votes must take place at the place of election, viz., where the nomination of the candidates took place. It must be in a convenient building capable of accommodating the persons authorised to be present.

Persons who are Naval or Military voters are entitled to vote by proxy where it appears that ballot papers sent by post cannot reasonably be returned before the votes are counted. [Sect. 23, sub-sect. 4.]

A person whose name is entered on the absent voters list but who has not appointed a proxy,

may have a ballot paper posted to him, if the address of that person recorded by the registration officer is an address in the United Kingdom. [Sect. 2, Representation of the People (No. 2) Act, 1920.]

The person holding the proxy must vote on the polling day as an ordinary voter.

No person may be present at the counting of votes except the returning officer, his assistants and clerks, and the counting agents of the candidates, the candidates and the election agent of the candidates. The election agents and the counting agents must make a declaration of secrecy before the counting of votes begins.

The returning officer may fix the number of counting agents to be present, each candidate being permitted to appoint an equal number. Usually the number allowed is one counting agent for each candidate for every assistant appointed by the returning officer. The name of each counting agent must have been transmitted to the returning officer at least one clear day before the day for counting the votes.

At university elections, no one is permitted to be present at the counting besides the returning officer, his assistants and clerks, except the candidates and a representative authorised by the candidates to be present. [Sched. V., rule 21.]

In the case of an equality of votes on the final count the returning officer, if a registered elector for the constituency, may give a casting

vote. Most returning officers, however, decline such a responsibility and prefer to make a double return.

In university elections the returning officer, whether an elector or not, may give a casting vote in the case of an equality of votes. [Sched. V., rule 22.]

### University Elections.

While in all county and borough elections a simple majority of votes decides the election, in the case of university elections, where two or more candidates are to be elected, the principle of proportional representation is to be adopted. [Sect. 20.] Where the university constituency only returns one member a simple majority decides the election.

Regulations for carrying proportional representation into effect will be made by Order in Council: it is not therefore certain which of several methods may be adopted. The system usually suggested by those who favour the system is that each voter can only vote for one candidate, but instead of marking his ballot paper with a X against the name of the candidate he desires to vote for, he will place the figure 1, and as to the rest of the candidates he will mark his order of preference for them by placing the figures 2, 3, 4, etc., against their names.

At the counting of votes only first preferences are counted at first, and if any candidate has secured a quota of votes in the first instance he is to be declared elected. If, however,

none of the candidates thus secure a quota, the second preferences of the candidates at the bottom of the poll are distributed among the several candidates for whom such second preferences have been given, and if upon so doing any of the candidates left has obtained a quota, he is elected. If none are so elected the second preferences of the candidate next lowest on the poll are distributed, and the same process adopted, and so on until the number of candidates to be elected have obtained the necessary quota.

A quota is ascertained by dividing the number of votes cast by a number, one in excess of the number of candidates to be elected.

Thus if the university returns two members, and the number of votes cast is 6,000, this number will be divided by three, and the quota in that case will be 2,001. Any candidate obtaining either on first preferences, or failing that, by adding second or other preferences, receives the number of 2,001 votes will be elected.

## CHAPTER V

### ELECTION EXPENSES

ONE very important reform produced by the Act is the reduction of the cost of elections. The vastly extended franchise together with the scheme of redistribution of seats has created constituencies of very considerable size. The scheme aimed at getting as nearly as possible equal sized constituencies, both county and borough. The effect has been to create constituencies of about 20,000 to 30,000 electors. Under the old scale of election expenses allowed the cost of elections would have limited the choice of candidates to wealthy men. Taking an average of 25,000 electors under the old scale, the amount permitted to be spent would have been in a county division £2,090 and in a borough £1,070 outside returning officer's charges and personal expenses. The Act now limits the expenditure to 7d. for each elector on the county register and 5d. on the borough register. [Sect. 33 and Sched. IV.]

The limit, therefore, for a county constituency of 25,000 will now be £729 3s. 4d. outside the election agent's fee and personal expenses of the candidate, and for a borough constituency of 25,000 £520 13s. 8d. outside the election agent's fee and personal expenses of the candi-

date. Where two or more members for a constituency are to be elected and they are joint candidates, the maximum amount of expenses for each of the joint candidates will be settled by adding half the amount allowed to each candidate and dividing the result by the number of joint candidates.

#### **Free Postage.**

In addition the candidate is entitled to send post free one postal communication containing matter relating to the election only, not exceeding two ounces in weight to each elector on the register. This means, therefore, at the present rate of postage, a saving of £208 6s. 8d. to each candidate in a constituency of 25,000 electors. The right to free postage is only given to a candidate after he has been duly nominated. He may, however, exercise the right before that time if he gives security to the Postmaster-General for the payment of the postage in case he does not eventually become nominated. [Sect. 33, sub-sect. 2.]

Joint candidates are only entitled to one free postage and are to be treated as a single candidate.

As the date of the poll at a general election is fixed by the date of the nomination, viz., the ninth day after the day of election (nomination), it may be possible to send to each elector a copy of the candidate's address and also the polling card informing him where to vote and giving the elector's registered number.

If this is not done the cost of a second postage will have to be included in the election agent's return of expenses.

The diminished amount of election expenses will cause a complete change in the system of managing elections, and election agents will have to carry out their work on very much more economical lines.

#### **Posters.**

The cost of paper and printing has so greatly increased that probably advertisement by posters will entirely disappear. Certainly big posters will cease to cover great hoardings to no one's loss, save the bill-poster.

Probably it will be found advisable in all cases for the opposing party agents to come to an agreement that neither shall issue posters larger than double crown, and then only for the purpose of advertising election meetings.

#### **Sub-agents.**

In counties the amount to be spent on sub-agents will have to be very considerably reduced. A system of grouping larger areas under a sub-agent, and relying more on voluntary workers for carrying on the work of the polling districts, under the supervision of the sub-agent.

#### **Clerks, etc.**

Clerks and messengers both in counties and boroughs also will have to be reduced in number,



and more reliance placed on voluntary workers, particularly on women for clerical work. Now that women have the franchise they will have greater inducement to render what services are in their power to whichever party has secured their sympathy and co-operation. The number of paid clerks and messengers who may be legally employed is, in a county, one clerk and one messenger for the central committee room for every complete 5,000 electors on the register, or of electors over a complete 5,000. For the rest of the county division one clerk and one messenger for every polling district containing 500 electors or for every 500 electors or number over a complete 500 electors. For boroughs the number of paid clerks and messengers who may be employed is the same as if the borough was a polling district of a county division. There is no limit to the number of clerks and messengers who may be employed without payment.

As all polls at a general election will be held on the same day, it will be no longer possible for agents for borough constituencies and their clerks to transfer their services to the county constituencies as in the days when the boroughs polled many days before the counties polled. Polling agents also will in most cases have to be secured without payment of a fee. The organisation of the party machinery, in fact, in each constituency will have to be self-contained and largely voluntary.

**Meetings.**

The Act provides that all public elementary schools shall be available for the purpose of holding public meetings during the period between the receipt of the writ and the day of the poll. That is for a period of sixteen days. During that time the only charge for the use of such schools will be the actual and necessary expenses incurred by the local authority or by the managers of the school in respect of the preparation of the room for the meeting, and after the meeting for school purposes, and for lighting, warming and cleaning the room. [Sect. 25.]

Any damage to the school-house, fittings, or furniture, must be defrayed by the person hiring the room or the person on behalf of whom the room has been hired.

The cost of meetings, therefore, by this section will be much cheapened, the cost in all probability only amounting to a few shillings.

This is a great reform. In many villages the managers have made it difficult to hold a meeting in a school which they regard as under their especial care, where the candidate was one of whom they disapproved, and were enabled to make whatever charge they pleased if they did let it. In using the school it must be at such a time as not to interfere with the school hours of an elementary day or evening school. The school can only be requisitioned during the days mentioned; any meeting to

be held before the receipt of the writ must be arranged for with the managers on their own terms.

It must be remembered that a public elementary school is one of the places prohibited by the Corrupt and Illegal Practices Prevention Act for use as a committee room, and that the penalty for such use is that of an illegal practice. Nothing, therefore, in the way of committee work must be performed at, before or after the meeting in such a schoolroom.

#### **Election Agent's Fee.**

The House of Commons rejected the proposal to add a fee for the election agent to the maximum amount which a candidate was allowed to spend as election expenses. The House of Lords by amendment inserted a clause allowing a sum of £75 in the case of a county constituency and £50 in the case of a borough constituency to be paid to an election agent beyond the maximum allowed. [Sched. IV.]

The amount allowed is, however, inadequate in most cases, and compares unfavourably with the fees paid in past times. There is no reason why the fee should be reduced. The Act does not settle the amounts allowed as the whole sum the agent may receive for his services. It only enacts that as to the amounts allowed they shall be outside the maximum amount of election expenses. Election agents therefore, by

agreement with the candidates, may receive a larger fee than the sums mentioned, but must include in the election return the balance of the fee agreed upon. As the total maximum is so much reduced, probably the fees hitherto paid will not be permissible having regard to the other necessary expenses of the election, but a county fee might well be £100 and a borough fee £75, charging in each case the difference of £25 to the ordinary election expenses in the agent's return.

#### **Expenses by Unauthorised Persons.**

By sect. 34, sub-sect. 1, no person other than the election agent may incur any expenses on account of meetings, advertisements, circulars or publications for the purpose of promoting or procuring the election of a candidate unless authorised in writing by the election agent so to do.

The penalty for an infraction of this section is to be that applied to a corrupt practice.

There is, however, power given in sub-sect. 2 to the Court before whom a person is convicted for this offence, to mitigate or entirely remit any incapacity imposed by section 6 of the Corrupt and Illegal Practices Prevention Act, 1883.

The penalty for a corrupt practice is twelve months' imprisonment with or without hard labour or a fine of £200, removal from and disqualification for any public office, *e.g.*, Justice of the Peace, and incapacity for seven years to vote or to hold any public office.

Section 34, however, does not go much further than section 28 of the Corrupt and Illegal Practices Prevention Act, 1883, except that the section in the latter Act refers to "expenses incurred on account of or in respect of the conduct or management of such election," whereas the present Act refers to certain specific acts such as holding meetings, issuing advertisements, etc., "*for the purpose of promoting or procuring* the election of a candidate." The object of the present enactment is to prevent the expenditure of large sums of money by outside bodies not included in the election return, sometimes with and at other times without the connivance of the candidate. It should prevent newspapers from printing contents bills advertising a particular candidate's name, or disseminating free of charge newspapers containing reports of election meetings, advertisements explaining the candidate's views on political questions, or articles supporting his candidature. It should prevent the erection of great hoardings except by bill-posters, or advertising signs, to advertise the claims of the candidate.

Whether the section will have the effect of stopping the activities of those societies formed for the purpose of promulgating certain political views, such as the Free Trade Union, the Tariff Reform Union, the Antivivisection Society and others of a similar kind, is very doubtful. These societies by their speakers rarely speak on behalf of individual candidates, but by

advising electors only to vote for such candidates as support the views they hold, must influence the minds of their hearers to vote for or against a candidate. The same applies to literature distributed by these societies, not through an election agent. It may be said that such propaganda work is not included in the words "promoting or procuring the election of any candidate."

In the Ipswich election petition, 1886, the Court held that "an expense incurred in promoting or procuring" an election included an expense "on account of or in respect of the management of an election." It has been held, however, that lectures on political questions are not election expenses [Haggerston election petition, 1896]; nor are expenses incurred by political associations for the promotion of certain views held by the association election expenses [Grant *v.* Guinness]. It has even been held that the cost of running a newspaper, although owned by the candidate, and run entirely in his interest as a candidate, is not an expense "on account of or in respect of the conduct or management of an election" [Kennington election petition, 1886].

The section does not preclude the candidate from accepting the assistance of any association or society either by literature printed by the society or by meetings held by them, if the election agent authorises the expenditure, and includes the expenses incurred by the society in his return of election expenses. He, however,



runs the risk of making them agents of the candidate, who will be responsible for any illegal acts committed by them, for "person" may include any body of persons associated together for a common purpose, or the owners or directors of a newspaper.

It may be noted that expenses of meetings for the purpose of adopting a candidate are not election expenses. In the Norwich election petition, 1886, the Court held that "they were expenses incurred in order to induce a particular person to become a candidate," and that until he had become the candidate, that is to say until he had consented to be the candidate, the payment of the expenses of the meeting was not a payment on his behalf.

Nor is the cost of the registration of voters to be included in the election expenses of a candidate [Yarmouth petition, 1906].

It is very difficult to estimate how much should be spent by an agent on the various items included in an election return under the new conditions of an election. The greatest care will have to be taken to limit expenditure. Since the war the increased price of paper and the extra cost of printing, etc., must reduce considerably the amount of printed matter issued at an election. The number of paid assistants must also necessarily be reduced. The following estimates are suggested to agents for their consideration.



**Counties.**

Where the amount allowed to be expended is, say, £700 in a county division :—

	£
Election agent (balance of fee of £150)	75
Sub-agents .. .. .	100
Polling agents (voluntary workers) ..	0
Clerks .. .. .	60
Messengers .. .. .	40
Printing .. .. .	130
Advertising (bill-posting) ..	20
Stationery .. .. .	15
Postage (one postage allowed free) ..	50
Telegrams .. .. .	10
Hire of rooms (public meetings) ..	40
Hire of rooms (committee rooms) ..	50
Miscellaneous .. .. .	50
	<hr/>
	640
Reserve for unexpected expenditure ..	60
	<hr/>
	£700

**Boroughs.**

Where the amount allowed to be expended is, say, £500 in a borough constituency :—

	£
Election agent (balance of fee of £75) ..	25
Polling agents (voluntary workers) ..	0
Clerks .. .. .	50
Messengers .. .. .	30
Printing .. .. .	120
Advertising (bill-posting) ..	20

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Stationery .. .. .	20
Postage (one postage allowed free) ..	50
Telegrams .. .. .	15
Hire of rooms (public meetings) ..	30
Hire of rooms (committee rooms) ..	30
Miscellaneous .. .. .	50
	<hr/>
	440
Reserve for unexpected expenditure ..	60
	<hr/>
	£500

### *When do Election Expenses begin?*

A question which is often considered by candidates and agents is, when do election expenses begin? To this no definite answer has yet been given by Election Courts, but there have been a number of decisions from which may be deduced some indication on the point.

Clearly no election expenses incurred by persons before the candidate is adopted by his party association, or before he has declared himself to be a candidate, can be election expenses for which he is responsible, unless he adopts the matters or services which have been rendered, and takes them over for his own benefit, or his election agent adopts them, and refunds the cost of such material or such services. In which case the amount must be included in the election return of expenses.

In the Elgin and Nairn petition, 1895, the

question was discussed. In that case the candidate had been connected with the constituency for sixteen months before the general election. Meetings were held addressed by him, and it was argued that both the expenses of these meetings and the salary of the election agent ought to be included in the election expenses. If this was done the maximum would have been exceeded.

Lord Maclaren held that where an adverse vote had been given in the House of Commons against the Government, "from the moment when that vote is announced, every one is looking forward to a dissolution of Parliament, with a view to determining whether the Government of the day is to continue to enjoy the confidence of the country. I should certainly hold that from that time the election had begun. I do not say it may not have begun at an earlier period. If, for example, a candidate not proceeding upon any public and patent facts, but trusting to his own political sagacity, and looking round the political horizon, thinks that an election is imminent, and proceeds to institute what is called a canvass of the constituency, which he continues without intermission right down to the election, it may very well be that his own judgment as to when it is necessary to attend to his electoral interest shall be taken as fixing the commencement of that particular election."

In the Great Yarmouth petition, 1906, the question of election expenses was dealt with,

Mr. Justice Channell in his judgment said of the commencement of an election : " It certainly is not limited to the commencement of the active part of the election by the issue of the writ, or by the occurrence of a vacancy. But although the election may begin from the time that any particular individual is announced as a candidate, it does not follow that the work of the election does begin there. From the time that the man becomes the adopted candidate, at any rate he is in the position in which he may incur expenses for the conduct and management of the election which is still in the future, but it does not by any means follow that all the expenses which he incurs, because he is a candidate, and which he would not incur if he was not a candidate, and which in one sense therefore have a reference to that election which is still in the future—it does not follow that all those expenses are expenses in the conduct and management of the election. They may possibly be, but they are not by any means necessary, and I should think, as a general rule, they would not be." This explanation is not very clear to the ordinary mind : it amounts to saying it may or may not be an election expense, but I cannot tell whether it is or is not.

Mr. Justice Channell, however, further on in his judgment did throw some light on the vexed question. He said : " The holding of meetings for the purpose of delivering speeches upon this or that subject which the party

politicians have taken up, or which they take up in answer to what their opponents are taking up—political subjects of the day, expenses must be incurred to that by an intending candidate. In my opinion these expenses, if they can be identified as being in reference to the political views of his party, are not expenses about the conduct or management of his election."

Mr. Baron Pollock in the Lichfield case, 1895, said: "That question depends upon when the election may be said to have commenced. I think as soon as a candidate begins to hold meetings in the constituency to advance his candidature—in other words, as soon as he begins to take measures to promote his election—the election commences."

The meeting which was in question was a public meeting, and a resolution to secure the return of the candidate was passed, and the Court held that the expenses of the meeting and the expenses incurred afterwards to promote his candidature were election expenses.

A meeting to select a candidate has been held not to be an election expense [Norwich election petition, 1886]. It is usual at the meeting for the selection of the candidate, for the candidate, having been requested to become a candidate at the next election, to express a hope that when that event occurs he hopes to be in a position to accede to their request. In the Walsall election petition, 1892, Mr. Justice Hawkins said: "I cannot help thinking that

the period during which the candidate can be held responsible for the illegal and injudicious acts of his recognised supporters must be confined within reasonable limits. It would not be reasonable to say that a man who contemplates in the year 1892 becoming a candidate in the year 1896 could not legally employ a person to do for him a variety of acts to ingratiate him with those whose votes and suffrages he intended to seek in some future year. Upon the present occasion I think the limit of time to which we ought fairly to apply our minds is a period commencing from the time when it was first known that Mr. James announced his intention to present himself as a candidate at the next ensuing election."

From all these opinions it may be gathered that a candidate may take part in meetings called for general political purposes, in which meeting he is only one of the speakers, although under the circumstances an important speaker ; but if at the meeting a resolution pledging the audience to support the candidature of the candidate is passed or proposed, the meeting becomes an election meeting, and its expense ought to be included in the return of election expenses, and the candidature of the candidate has begun, and from that time the election so far as he is concerned has started.

# THE REPRESENTATION OF THE PEOPLE ACT, 1918.

## PART III.

### METHOD AND COSTS OF ELECTIONS.

*Proportional Representation in certain University  
Constituencies, and certain other Constituencies  
if Scheme for Selection is approved.*

20.—(1) At a contested election for a university constituency, where there are two or more members to be elected, any election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

(2) (a) His Majesty may appoint Commissioners to prepare as soon as may be after the passing of this Act a scheme under which as nearly as possible 100 members shall be elected to the House of Commons at a general election on the principle of proportional representation for constituencies in Great Britain returning three or more members.

(b) The number of members of the House of Commons as fixed under this Act shall not be increased by any such scheme. For the purpose of such scheme the Commissioners shall, after holding such local inquiries as they may deem necessary, combine into single constituencies returning not less than three nor more than seven members such of the areas fixed as constituencies in the Ninth Schedule to this Act as they may select, but in selecting those areas they shall have regard to the advisability of



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applying the principle of proportional representation both to town and country.

(c) The scheme so prepared by the Commissioners shall be laid before both Houses of Parliament, and if both Houses by Resolution adopt the scheme, the scheme shall, with any modifications or additions which may be agreed to by both Houses, take effect as if it were enacted in this Act, and the constituencies fixed under the scheme shall be substituted, so far as necessary, for the constituencies fixed under the Ninth Schedule to this Act.

(d) In any such constituency any contested election of the full number of members shall be according to the principle of proportional representation, each elector having one transferable vote as defined by this Act.

(e) His Majesty may by Order in Council make any adaptation of the provisions of this Act as to the machinery of registration or election which may appear to him to be necessary in consequence of the adoption of the scheme.

(3) His Majesty may by Order in Council frame regulations prescribing the methods of voting, and transferring and counting votes, at any election, according to the principle of the transferable vote and for adapting the provisions of the Ballot Act, 1872,\* and any other Act relating to parliamentary elections thereto, and with respect to the duties of returning officers in connection therewith; and any such regulations shall have effect as if they were enacted in this Act.

(4) Nothing contained in this Act shall, except as expressly provided therein, affect the method of conducting parliamentary elections in force at the time of the passing of this Act.

### *Polls to be held on One Day at a General Election.*

21.—(1) At a general election all polls shall be held on one day, and the day fixed for receiving nominations shall be the same in all constituencies, and accordingly the First Schedule to the Ballot Act, 1872,\* shall be modified as shown in Part I. of the Second Schedule to this Act.

\* 35 & 36 Vict. c. 33.

In the case of a by-election, the poll shall take place on such day as the returning officer may appoint, not being less than four nor more than eight clear days after the day fixed for nomination, and the First Schedule to the Ballot Act, 1872, shall be modified accordingly.\*

(2) Official telegraphic information of the writ having been issued for a parliamentary election may be given in such cases and by such persons as may be directed by His Majesty in Council, and any steps for holding an election which may be taken on or after the receipt of the writ may be taken on or after the receipt of an official telegraphic intimation of the writ having been issued.

(3) The time appointed for the meeting of the Parliament may be any time not less than twenty clear days after the proclamation summoning the Parliament; and the Meeting of Parliament Act, 1852,† is hereby repealed.

(4) Nothing in this section shall—

(a) affect the provisions of section one of the Ballot Act, 1872, relating to the commencement afresh of the proceedings with relation to the election on the death of a candidate or apply to proceedings so commenced afresh; or

(b) apply to a university election.

*Penalty for voting at a General Election in more  
Constituencies than allowed.*

22.—(1) If any person at a general election votes for more constituencies than he is entitled to vote for in accordance with this Act, or asks for a ballot or voting paper for the purpose of so voting, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883; and the expression “illegal practice” shall be construed accordingly: Provided that—

(a) the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the

\* Amended as to Boroughs. See p. 28.

† 15 & 16 Vict. c. 23.

Corrupt and Illegal Practices Prevention Act, 1883; and

- (b) the fact that any person has asked for a ballot paper in a constituency in circumstances which entitle him only to mark a tendered ballot paper in pursuance of Rule 27 of the First Part of the First Schedule to the Ballot Act, 1872, shall not, if he does not exercise that right, prevent his voting or asking for a ballot or voting paper in another constituency; and
- (c) the giving of a vote by a returning officer in pursuance of section two of the Ballot Act, 1872, in the case of an equality of votes, or the asking for a ballot paper for the purpose of so voting, shall not, for the purposes of this section, be deemed to be the giving of a vote as a parliamentary elector, or the asking for a ballot paper for the purpose of so voting.

(2) The questions set out in Part II. of the Second Schedule to this Act may be asked of any voter at a poll at a general election in addition to those authorised already to be asked; and unless there is an answer given in the negative, that person, except as provided in that schedule, shall not vote.

### *Voting by absent Voters.*

23.—(1) For the purpose of giving persons whose names are entered on the absent voters list an opportunity of voting at a parliamentary election (other than a university election), the returning officer shall, where an election is contested, as soon as practicable after the adjournment of the election, send a ballot paper to each such person at the address recorded by the registration officer, together with a declaration of identity in the prescribed form.

(2) The ballot paper marked by the absent voter and accompanied by the declaration of identity duly signed and authenticated shall, if it is received by the returning officer before the close of the poll, be counted by him and

treated for all purposes in the same manner as a ballot paper placed in the ballot box in the ordinary manner.

(3) *Sub-sect. 3, which provided for counting the votes at a date not exceeding eight days after the close of the poll, was enacted to cover the period of the war and twelve months afterwards. This sub-sect. is repealed by Representation of the People Act, 1920, sect. 1.*

Sub-sect. 4 of principal Act amended by Representation of the People Act, 1920, sect. 2, and to read :—

“(4) Any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies the registration officer as to the *bona fides* of such statement, shall be entitled if he so desires to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of this Act.

“No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy under this provision while the appointment is in force, or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

“The provisions set out in the Third Schedule to this Act shall have effect with respect to voting by proxy.”

(5) A person whose name is entered on the absent voters list shall not be entitled to vote except as an absent voter in pursuance of this section.

(6) His Majesty may by Order in Council prescribe the forms to be used for the purposes of this section, and make regulations as to the mode in which proxy papers may be issued and cancelled and in which ballot papers are to be sent to the voter for the purpose of voting by post and as to the authentication of any marked ballot papers, and generally for the purposes of carrying this section into effect and for preserving the secrecy of voting in pursuance thereof.

#### *Voting by Persons in the Employment of Returning Officers.*

24.—Where an elector for any constituency other than a university constituency is employed by the returning

officer for that constituency for any purpose in connection with an election for that constituency, and the circumstances of that elector's employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which the elector would otherwise be entitled to vote, the returning officer may authorise the elector, by a certificate given in the prescribed form, to vote at any other polling station in the constituency, and that polling station shall, for the purpose of Rule 18 of Part I. of the First Schedule to the Ballot Act, 1872, be deemed to be the polling station allotted to that elector.

This is a new provision ; hitherto presiding officers and poll clerks and other officials employed by the returning officer were entitled to vote if they were electors, and for this purpose might leave the polling station to which they were assigned for that purpose. It was, however, generally considered advisable if possible not to appoint electors for such offices. This section, however, gives power to the returning officer to permit such officials to vote at any polling station in the constituency ; therefore if the polling station to which they are appointed is not the one at which they should vote, they will get permission to vote at the one to which they are appointed, and that station will be deemed to be the polling station allotted to that elector.

*Right to the Use of Elementary Schools.*

25.—(1) A candidate at a parliamentary election other than a university election shall be entitled, for the purpose of holding a public meeting in furtherance of his candidature, to the use at reasonable times between the receipt of a writ for the election and the day of the poll, of a suitable room in any public elementary school situated within the constituency for which he is a candidate :

Provided that this enactment shall not authorise the use of any room used as part of a private dwelling-house nor authorise any interference with the school hours of an elementary day or evening school.

(2) A charge may be made to cover any actual and necessary expenses incurred by the local education authority, or by the managers of the school, in respect of the preparation of the room before the meeting for the purposes of the meeting, and after the meeting for school purposes, and for warming, lighting, and cleaning the room.

(3) If by reason of the use of any room under this Act any damage is done to the school-house, or to the furniture, fittings or apparatus, the damage shall be defrayed by the person by whom, or on whose behalf, the meeting is convened.

*Deposit by Candidates at Parliamentary Elections.*

26.—(1) A candidate at a parliamentary election, or some one on his behalf, shall deposit, or cause to be deposited, with the returning officer, during the time appointed for the election, the sum of one hundred and fifty pounds, and if he fails to do so he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872.

(2) The deposit may be made by the deposit of any legal tender or, with the consent of the returning officer, in any other manner.

(3) If after the deposit is made the candidate is withdrawn in pursuance of the provisions of the Ballot Act, 1872, the deposit shall be returned to the person by whom the deposit was made; and if the candidate dies after the deposit is made, and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representative, or, if not made by him, shall be returned to the person by whom the deposit was made.

*Forfeiture of Deposit in certain cases.*

27.—(1) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members, one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the number of votes polled divided by the number of members to be elected,



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the amount deposited shall be forfeited to His Majesty ; but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member, and, where the candidate is not elected, as soon as practicable after the result of the election is declared :

Provided that where a candidate is nominated at a general election in more than one constituency he shall in no case recover his deposit more than once, and in such case the deposits shall be forfeited to His Majesty except such one as the Treasury direct to be returned to the candidate.

(2) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted ; and where the election is held under the system of the transferable vote the number of votes polled by a candidate shall be the number of votes polled by him as first preferences.

### *Returning Officers.*

28.—The returning officer at a parliamentary election (other than a university election) shall, notwithstanding anything in any other Act, be :—

- (1) In the case of a parliamentary county which is coterminous with, or wholly contained in, one administrative county, the sheriff ;
- (2) In the case of a parliamentary borough which is coterminous with, or wholly contained in, a county of a city or town having a sheriff, the sheriff, and in the case of the City of London, the sheriffs ;
- (3) In the case of a parliamentary borough which is coterminous with, or wholly contained in, one municipal borough (not being a county of a city or town having a sheriff), or one metropolitan borough, or one urban district, the mayor or chairman of the council, as the case requires ; and
- (4) In any other case, such sheriff, mayor, or chairman, as may be designated for the purpose by the Local Government Board,



*Payment of Returning Officers' Expenses by Treasury.*

29.—(1) The returning officer at a parliamentary election (other than a university election) shall be entitled to his reasonable charges, not exceeding the sums specified in the scale of maximum charges framed under this section, in respect of services and expenses of the several kinds mentioned in the said scale which have been properly rendered or incurred by him for the purposes of or in connection with the election.

(2) The amount of any such charges shall be paid by the Treasury out of moneys provided by Parliament on an account being submitted to the Treasury in accordance with regulations made under this section; but the Treasury may, if they think fit, before payment apply to the court as defined by this section for the taxation of the account, and the court shall have jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

On the request of the returning officer for an advance on account of his charges, the Treasury may, if they think fit, and on such terms as they think fit, make such an advance.

(3) Where an application is made for the taxation of a returning officer's account, the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to, with or without costs; and the determination of the court shall be final for all purposes and as against all persons.

(4) The Treasury shall prescribe a scale of maximum charges for the purposes of this section and may revise the scale as and when they think fit, and may also make regulations as to the time when and manner and form in which accounts are to be rendered to them for the purpose of the payment of the charges.

(5) The court for the purposes of this section shall be,

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as respects an election in the City of London, the Mayor's Court; and elsewhere in England and in Ireland the county court having jurisdiction at the place of nomination for the election to which the proceedings relate; and as regards Scotland "the court" shall mean the Auditor of the Court of Session.

### *Discharge of Returning Officer's Duties by an Acting Returning Officer.*

30.—Except as herein provided the duties of returning officer at parliamentary elections (other than a university election) shall be discharged by the registration officer as acting returning officer, and the acting returning officer shall have all the powers, duties, rights and liabilities of the returning officer under any enactments relating to parliamentary elections, and those enactments (including this Act) shall have effect accordingly, and the acting returning officer shall have power to appoint deputies.

This section shall not apply to any duties which the returning officer reserves to himself and undertakes to perform in person.

Any appointment of a deputy by the acting returning officer shall be subject to the approval of the Local Government Board.

A returning officer at a parliamentary election shall not, if all his duties are discharged by the acting returning officer, be disqualified by reason of being returning officer for being a candidate at the election.

### *Division of Constituency into Polling Districts and provision of Polling Places.*

31.—(1) It shall be the duty of the council, whose clerk is the registration officer for any constituency or by whom the registration officer is appointed, as occasion requires, to divide the constituency into polling districts and to appoint polling places for the polling districts in such manner as to give all electors in the constituency such reasonable facilities for voting as are practicable in the circumstances:

Provided that before dividing any constituency in the

administrative county of London into polling districts, the authority therefor shall send a draft of any scheme for that purpose to the London County Council, and shall take into consideration any representations made to them by that Council.

(2) If a local authority, or not less than thirty electors in a constituency, make a representation to the Local Government Board that the polling districts or polling places do not meet the reasonable requirements of the electors in the constituency, or any body of electors, the Local Government Board shall consider the representation, and may, if they think fit, direct the council whose duty it is to divide the constituency into polling districts, to make such alterations as the Board think necessary in the circumstances, and if the council fail to make those alterations within a month after the direction is given, may themselves make the alterations, and any alterations so made shall have effect as if they had been made by the council.

In this provision the expression "local authority" means as respects any constituency the council of any county, borough, urban or rural district, or parish wholly or partly situate in the constituency, or the parish meeting of any parish so situate where there is no parish council.

(3) On the exercise of any powers given by this section the council by whom the powers are exercised shall send to the Local Government Board a report, and publish in the constituency a notice, showing the boundaries of any polling districts or the situation of any polling places constituted as a result of the exercise of the power.

(4) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

(5) This section shall not apply to university constituencies.

(6) Nothing in this section shall affect any polling districts or polling places constituted before the passing of this Act until occasion arises for the exercise of the powers given by this section.

*Place of Election.*

32.—The place of election shall be fixed for each constituency (other than a university constituency) by the returning officer, and shall be—

- (a) if the constituency is a parliamentary borough or a division of a parliamentary borough, some place within the borough; and
- (b) if the constituency is a parliamentary county or a division of a parliamentary county, some place within the county or within a parliamentary borough adjoining the county.

*Scale of Election Expenses.*

33.—(1) The provisions set out in the Fourth Schedule to this Act shall be substituted for Part IV. and paragraph (3) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883 (which relate to the maximum scale of election expenses), and that Act shall have effect accordingly.

(2) Any candidate at a parliamentary election shall, subject to regulations of the Postmaster-General, be entitled to send, free of any charge for postage, to each registered elector for the constituency, one postal communication containing matter relating to the election only, and not exceeding two ounces in weight:

Provided that a candidate shall not be entitled to exercise the right of free postage conferred by this provision before he is duly nominated unless he has given such security as may be required by the Postmaster-General for the payment of postage in case he does not eventually become nominated.

For the purpose of this provision candidates who are under paragraph (4) of Part V. of the First Schedule to the Corrupt and Illegal Practices Prevention Act, 1883, deemed to be joint candidates at an election shall be treated as a single candidate.

*Expenses incurred by Unauthorised Persons.*

34.—(1) A person other than the election agent of a

candidate shall not incur any expenses on account of holding public meetings or issuing advertisements, circulars or publications, for the purpose of promoting or procuring the election of any candidate at a parliamentary election unless he is authorised in writing to do so by such election agent.

(2) If any person acts in contravention of this section, he shall be guilty of a corrupt practice other than personation within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression "corrupt practice" shall be construed accordingly:

Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section six of the Corrupt and Illegal Practices Prevention Act, 1883.

(3) Any expenses incurred on account of any such purpose as aforesaid and authorised by the election agent of the candidate shall be duly returned as part of the candidate's election expenses.

*Certain Acts to have Permanent Effect.*

35.—The following Acts, that is to say—

The Ballot Act, 1872 ;

The Parliamentary Elections (Returning Officers) Act, 1875 ;

The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878 ;

The Parliamentary Elections and Corrupt Practices Act, 1880 ;

The Corrupt and Illegal Practices Prevention Act, 1883 ;

The Municipal Elections (Corrupt and Illegal Practices) Act, 1884 ;

The Local Government (Elections) Act, 1896 ;

shall become permanent Acts, and any provision in any Act in force at the date of the passing of this Act which limits the period for which any of those Acts are to remain in operation shall cease to have effect.

*Conduct of Elections for University Constituencies.*

36.—(1) The provisions contained in Part I. of the Fifth Schedule to this Act shall have effect with respect to elections for university constituencies other than the Scottish university constituency, and the provisions contained in Part II. of that Schedule shall have effect with respect to the elections for the Scottish university constituency, and His Majesty may, by Order in Council, make such regulations as appear necessary or desirable for giving full effect to those provisions and for the effective and proper conduct of those elections.

Any such regulations may be made so as to be applicable generally to elections for university constituencies or specially to elections for any particular university constituency.

(2) This part of this Act shall, except as expressly provided, apply to university constituencies and university elections.

(3) In the application of the provisions of this Act which are applicable to university constituencies and university elections to those constituencies and elections the following modifications shall have effect :

(a) " Voting paper " shall be substituted for " ballot paper," and for any reference to the Ballot Act there shall be substituted a reference to the corresponding provision of this Act, or regulations made thereunder in relation to university constituencies or university elections :

(b) It shall not be necessary to prepare an absent voters' list, but the right to vote by proxy may be exercised by any person who would be entitled to exercise such right if his name were entered on an absent voters' list, so long as all other conditions enabling him to vote by proxy are fulfilled :

(c) Where a candidate's deposit is forfeited the deposit shall be retained by the university



## PART V.

## GENERAL.

*Punishment of Offences committed outside the United Kingdom.*

38.—Where any person commits out of the United Kingdom any act which if that act had been committed in the United Kingdom would have rendered that person liable to prosecution and punishment under the Ballot Act, 1872, or the Corrupt and Illegal Practices Prevention Act, 1883 (as amended by any subsequent Act), or under this Act, that person shall be liable to be proceeded against and punished as though the act had been committed in the United Kingdom at any place where that person may for the time being be.

For the purposes of any such prosecution any period prescribed as the period within which proceedings may be commenced shall be reckoned as from the date on which the person charged returned to the United Kingdom next after the commission of the offence.

*Rearrangement of Polling Districts where necessary.*

39.—The council having power to divide a constituency into polling districts shall, not later than one month after the passing of this Act, take into consideration the division of the constituency into polling districts, and make any rearrangements of those districts and of polling places which it appears necessary to make as a consequence of alterations effected by this Act.

*Regulations to be laid before Parliament.*

40.—(1) All rules, regulations, or provisions made by Order in Council under this Act shall be laid before each House of Parliament forthwith; and unless and until an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days



on which that House has sat next after any such rule, regulation, or provision is laid before it, praying that the rule, regulation, or provision may be annulled, the rule, regulation, or provision shall have effect as if enacted in this Act.

(2) Any Order in Council under this Act may be revoked or varied as occasion requires by any subsequent Order in Council.

*Interpretation.*

41.—In this Act, unless the context otherwise requires—

- (1) The expression “constituency” means any county, borough, or combination of places, or university or combination of universities, returning a member to serve in Parliament; and, where a county or borough is divided for the purpose of parliamentary elections, means a division of the county or borough so divided; and elections for any such division shall be held in the same manner and subject to the same provisions as those for undivided counties or boroughs:
- (2) The expression “local government electoral area” means the area for which any county council, municipal borough council, metropolitan borough council, district council, board of guardians, parish council, or any other body elected at the time of the passing of this Act by persons on the local government register or on the register of parochial electors is elected; and the expression “local government election” means an election for any such council, board, or body:
- (3) The expression “general election” means an election of members to serve in a new Parliament of the United Kingdom:
- (4) The expression “university constituency” means a constituency consisting of a university or a combination of universities; and the expression “university election” means an election of a

member or members of Parliament for a university constituency :

- (5) A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as resident therein for any purpose of this Act :
- (6) The expression " transferable vote " means a vote—
  - (a) capable of being given so as to indicate the voter's preference for the candidates in order ; and
  - (b) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes, or when, owing to the deficiency in the number of the votes given for a prior choice, that choice is eliminated from the list of candidates :
- (7) For the purposes of registration a person's age shall be taken to be that person's age on the last day of the qualifying period :
- (8) The expression " dwelling-house " includes any part of a house where that part is occupied separately as a dwelling house :
- (9) The yearly value of land or premises shall be taken to be the gross estimated rental (or in the metropolis the gross value) where those premises are separately assessed to rates, and in any other case shall be deemed to be the amount which would in the opinion of the registration officer be the gross estimated rental, or gross value as the case requires, if they were separately assessed :
- (10) The expression " afloat," and expressions relating to service afloat, in connection with naval and military voters shall be interpreted in accordance with rules made for the purpose by the Admiralty :
- (11) The expression " prescribed " means prescribed by His Majesty by Order in Council.

*Adaptation of Acts.*

42.—The parliamentary and the local government franchises enacted by this Act shall take the place of all parliamentary and, so far as respects local government elections within the meaning of this Act, of all local government franchises existing at the time of the passing of this Act ; and the provisions set out in the Sixth Schedule to this Act with respect to the adaptation of Acts shall have effect for the purpose of adapting the law to the provisions of this Act.

*Application to Scotland.*

43.—This Act shall apply to Scotland, subject to the following modifications :—

- (1) Unless the context otherwise requires—
- (a) The word “borough” except as used in the expression “parliamentary borough” means “burgh” ;
- (b) The expression “local government electoral area” means the area for which any county council, town council, parish council, or school board, is elected, and “local government election” means an election for any such council or board ;
- (c) The expression “the Local Government Board” (except where otherwise expressly provided) means the Secretary for Scotland ;
- (d) The expression “Valuation Acts” means the Lands Valuation (Scotland) Act, 1854,\* and any Acts amending the same ;
- (e) The expression “governing body” used in relation to a university means the University Court ;
- (f) A reference to the Supreme Court shall be construed as a reference to the Court of Session ;
- (g) A reference to the Court of Appeal shall be construed as a reference to the Court of three judges of the Court of Session constituted by the twenty-third section of the Representation of the People (Scotland) Act, 1868 † ;

\*17 & 18 Vict. c. 91.      † 31 & 32 Vict. c. 48.

(h) A reference to the county court shall be construed as a reference to the sheriff court :

(2) The yearly value of any subjects shall be taken to be the value appearing in the valuation roll where those subjects are separately valued in that roll, and in any other case shall be deemed to be the value which would in the opinion of the registration officer be entered therein if they were so valued :

(3) The section of this Act relating to local government franchise (men) shall not apply, and in lieu thereof—

(a) A man who is of full age and not subject to any legal incapacity shall be entitled to be registered as a local government elector for a local government electoral area if he is on the last day of the qualifying period and has been during the whole of that period—

(i) the owner of lands and heritages within the area of the yearly value of not less than ten pounds : Where such lands and heritages are in the joint ownership of two or more persons and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint owners, each of the joint owners shall be treated as owning lands and heritages of the yearly value of not less than ten pounds ; or

(ii) the occupier as tenant of lands and heritages within the area of the yearly value of not less than ten pounds : Where such lands and heritages are in the joint occupation as tenants of two or more persons, and the aggregate yearly value of the lands and heritages is not less than the amount produced by multiplying ten pounds by the number of the joint occupiers, each of the joint occupiers shall be treated as occupying lands and heritages of the yearly value of not less than ten pounds ; or

(iii) the inhabitant occupier as owner or tenant of a dwelling-house within the area or

(iv) the occupier of lodgings within the area of the yearly value if let unfurnished of not less than ten pounds: Where such lodgings are in the joint-occupation of not more than two persons and the aggregate yearly value as aforesaid of the lodging is not less than twenty pounds, each of the joint lodgers shall be treated as occupying lodgings of the yearly value of not less than ten pounds; or

(v) the inhabitant occupier by virtue of any office, service, or employment of a dwelling-house within the area which is not inhabited by the person in whose service he is in such office, service, or employment;

(b) the ownership or occupation in immediate succession of different lands and heritages, dwelling-houses, or lodgings, as the case may be, in the same parliamentary county or in the same parliamentary borough shall have the like effect in qualifying a man to be registered as a local government elector for a local government electoral area therein, respectively, as the continued ownership or occupation of the same lands and heritage, dwelling-houses, or lodgings within that area;

(c) In this section "owner" shall include heir of entail in possession, life-renter, and beneficiary entitled under any trusts to the rents and profits of lands and heritages and shall not include the fiar of lands and heritages subject to a life-rent, nor tutor, curator, judicial factor, nor commissioner; "lands and heritages" has the same meaning as in the Valuation Acts; and "dwelling-house" means any house or part of a house occupied as a separate dwelling;

(4) Subsection one of the section of this Act relating to franchises (women) shall not apply, and in lieu thereof

(a) a woman who is not subject to any legal incapacity shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency) if she has attained the age of thirty

years, and if either she or her husband is on the last day of the qualifying period occupying as owner or tenant any land or premises in the constituency (hereinafter in this subsection called "the qualifying premises"), and has during the whole of the qualifying period so occupied any land or premises in the county or county of a city in which the qualifying premises are situated :

(b) For the purposes of this subsection—

(i) the word "tenant" shall include a person who inhabits by virtue of any office, service, or employment any dwelling-house which is not inhabited by the person in whose service he or she is in such office, service, or employment ;

(ii) the word "tenant" shall include a person who occupies a room or rooms as a lodger only where such room or rooms are let to him or her in an unfurnished state :

(iii) the expression "land or premises" means any land or premises (other than a dwelling-house) of the yearly value of not less than five pounds or any dwelling-house :

(iv) a woman, though she or her husband may have been occupying land or premises in the constituency on the last day of the qualifying period shall not be entitled to be so registered, if she or her husband, as the case may be, commenced to occupy the land or premises within thirty days before the end of the qualifying period and ceased to occupy them within thirty days after the commencement of such occupation ;

(v) the word "county" means a county inclusive of all burghs therein except a county of a city, and the word "dwelling-house" means any house or part of a house occupied as a separate dwelling.

(vi) Where land or premises are in the joint occupation of two or more persons, each of the joint occupiers shall be treated as occupying the

same, provided that not more than two joint occupiers shall be so treated in respect of the same land or premises, unless they are *bona fide* engaged as partners, carrying on their profession, trade, or business on the land or premises, and provided further that in the case of land or premises (other than a dwelling-house) the aggregate yearly value thereof must be not less than the amount produced by multiplying five pounds by the number of joint occupiers.

- (c) A woman registered by virtue of this section shall be deemed to be registered by virtue of her own or her husband's local government qualification :

(5) Subsection (1) of the section of this Act relating to supplementary provisions as to residence and occupation shall not apply except in so far as that subsection relates to the parliamentary franchise for men, and subsection (4) of the said section shall not apply.

(6) The section of this Act relating to provisions as to disqualifications shall have effect as if the following provision were enacted therein :

A person shall not be disqualified from being registered or from voting as a parliamentary or local government elector by reason that he is the town clerk or depute town clerk of any burgh or the assessor under the Valuation Acts in any burgh or county.

(7) The section of this Act relating to provision as to qualification of councillor shall not apply.

(8) The section of this Act relating to registration officers and areas shall not apply, and in lieu thereof—

Each burgh, the town council whereof was entitled under the law in force at the passing of this Act to appoint an assessor for the purpose of parliamentary registration, and each county (exclusive of such burgh), or, where any county is divided for the purpose of parliamentary elections, each part of the county (with the like exclusion) which lies within a separate parliamentary division, shall be a registration area : and the assessor of the burgh or county under the Valuation Acts, or where there are two or more



assessors, one of them appointed for the purpose of parliamentary registration by the town or county council, as the case may be, shall be the registration officer of that area, and all other assessors (if any) in that area shall, for the purpose of the registration of parliamentary and local government electors, be subject to the instructions of the registration officer, and shall be bound to act on such instructions.

Provided that, from and after the date when the first register under this Act shall have been completed, an officer of Inland Revenue shall not be appointed or continue to act as assessor for any burgh or county under the Valuation Acts without the consent of the Treasury.

(9) The provisions regarding the appointment of an assistant judge in the section of this Act relating to appeals shall not apply :

(10) In the application of the section of this Act relating to right to the use of elementary schools, the expression "any public elementary school" means "any school in receipt of a parliamentary grant."

(11) The first subsection of the section of this Act relating to expenses of registration shall not apply, and in lieu thereof—

Any expenses properly incurred by any registration officer in the performance of his duties in relation to registration, including all proper and reasonable charges for trouble, care, and attention in the performance of those duties, and any cost incurred by him as party to an appeal (in this Act referred to as "registration expenses"), shall be paid by the council appointing the registration officer. Provided that, where a burgh within the meaning of the Local Government (Scotland) Act, 1889, is not a separate registration area, the council thereof shall pay to the council appointing the registration officer a contribution towards the registration expenses, and subsection (4) of section sixty and section sixty-six of that Act shall apply, with the necessary modifications, to such contribution. The amount necessary to defray any registration expenses or any contribution thereto, as the case may be, shall be

assessed and levied in any one of the modes allowed by the Valuation Acts with respect to the costs and expenses of making up the valuation roll :

(12) In subsection (5) of the section of this Act relating to expenses of registration, the expression " the council whose clerk the registration officer is," means " the council appointing the registration officer " :

(13) The sections of this Act relating to returning officers and to the discharge of returning officers' duties by an acting returning officer shall not apply, and in lieu thereof—

The returning officer at parliamentary elections (other than a university election) shall as heretofore be the sheriff of the sheriffdom within which the constituency is wholly situated or, where the constituency is situated in more than one sheriffdom, the sheriff specified in the Seventh Schedule to this Act, and the power of appointing deputies conferred by section eight of the Ballot Act, 1872, on certain sheriffs, shall be exerciseable by any sheriff who is returning officer for more than one constituency, or who, by reason of sickness or unavoidable absence, is incapacitated from performing any of the duties devolving upon him as returning officer, and in the event of no such appointment being made by a sheriff so incapacitated, or in the event of any vacancy in the office of sheriff at the time when any of such duties require to be performed, the sheriff substitute at the place at which the writ for the election is appointed to be received, shall act as returning officer, and shall perform all the duties and have all the powers (including the power of appointing deputies) of such returning officer.

(14) Notwithstanding the provisions of subsection (1) of the section of this Act relating to polls to be held on one day at a general election, &c. the poll at any general or by-election for the constituency of Orkney and Zetland shall remain open for two consecutive days as heretofore.

(15) The provisions of the last paragraph of the section of this Act relating to register for university constituencies shall not apply, and the said section shall have effect as if

regulation sixteen of section two of the Universities Elections Amendment (Scotland) Act, 1881, were enacted therein in lieu of the said paragraph :

(16) The section of this Act relating to place of election shall not apply, and in lieu thereof in the case of parliamentary elections (other than an election for a university constituency), the place of election shall be a convenient room situated in such place as the Secretary for Scotland may by order from time to time determine.

(17) In the application of the section of this Act relating to division of constituency into polling districts and appointment of polling places, and of the section of this Act relating to rearrangement of polling places to such new constituencies, the returning officer shall be substituted for the council having a power or duty under those sections to divide a constituency into polling districts, and the Lord Advocate shall be substituted for the Local Government Board :

(18) Notwithstanding anything in this Act it shall not in the year nineteen hundred and nineteen and subsequent years be necessary—

- (a) as regards any burgh or any registration unit therein, if the town council of the burgh so resolve, to show or distinguish in any spring register the names of persons entitled to vote as local government electors ; or
- (b) as regards any county or any registration unit therein, if the county council of the county so resolve, to show or distinguish in any register other than the autumn register in those years in which county council elections fall to be held the names of persons entitled to vote as local government electors :

Provided that—

(i) a resolution under this section shall not have effect unless it is passed as respects the spring register in any year before the first day of January in that year, and as respects the autumn register in any year before the first day of July in that year ;

(ii) for all the purposes of the registration of local government electors in any burgh or county, or registration unit therein to which any such resolution applies, the last preceding local government register shall remain in force until a new local government register comes into force.

In this subsection "burgh" has the same meaning as in the Town Councils (Scotland) Act, 1900, and "county" means a county exclusive of any such burgh.

(19) Except as expressly provided in this Act—

- (a) Nothing in this Act shall take effect so as to deprive any royal or parliamentary burgh losing separate representation under this Act of any right, privilege, or status, whether for purposes of local government or otherwise, hitherto enjoyed by such burgh as a royal or parliamentary burgh; and
- (b) Nothing in this Act or in any Act in force at the passing of this Act as read with this Act shall take effect so as to confer upon any police burgh acquiring separate representation under this Act any rights, privileges, or status, whether for purposes of local government or otherwise, not enjoyed by other police burghs.

In this subsection the references to royal, parliamentary, or police burghs shall be deemed to include references to the magistrates, town councils, and officers thereof, respectively, and the expression "separate representation" shall be construed as meaning the right to return, or to contribute as a burgh to return, a member, or members to Parliament.

*Application of Act to the Isles of Scilly.*

45. The provisions of this Act shall apply to the Isles of Scilly as if those isles were an administrative county, and

as if the council of those isles were a county council, and any expenses incurred by the council under this Act shall be paid as general expenses of the council.

*Commencement of Act and first Register.*

46.—(1) This Act shall come into operation on the passing thereof: Provided that nothing in this Act shall affect—

- (a) any parliamentary register for the time being in force, or any parliamentary elections, or the constitution of the House of Commons, until Parliament is first dissolved or ceases to have continuance after the first register to be prepared under this Act comes into force; or
- (b) any local government register for the time being in force, or any local government elections, until the first register to be prepared under this Act comes into force.

(2) Notwithstanding anything in this Act, the first register to be prepared under this Act shall come into force on, and remain in force until, such date as His Majesty may fix by Order in Council, and His Majesty may by any such Order alter, in connection with the first register, any registration dates, including the dates governing the qualifying period and direct that this Act shall have effect as so altered.

(3) If any difficulty arises as to the preparation of the first register or the holding of the first elections after the commencement of this Act, the Local Government Board may by order do any matter or thing which appears to them necessary for the proper preparation of the register or the proper holding of the elections.

(4) This section shall apply to any new register to be prepared and to any elections held during the continuance of the present war and a period of twelve months thereafter, as it applies to the first register to be prepared under this Act and to the first elections held after the commencement of this Act, respectively.

## SECOND SCHEDULE.

## PART I.

MODIFICATIONS OF THE BALLOT ACT, 1872  
(FIRST SCHEDULE).

The following provisions shall be inserted in the First Schedule to the Ballot Act, 1872, after Rules 2 and 14, respectively, that is to say:—

“ 2A. In an election of members to serve in a new Parliament of the United Kingdom, the day fixed by the returning officer for the election shall in all cases be the eighth day after the date of His Majesty’s gracious Proclamation declaring the calling of the Parliament.”

“ 14A. In an election of members to serve in a new Parliament of the United Kingdom, the day appointed by the returning officer for the poll shall in all cases be the ninth day after the day fixed for the election.”

## PART II.

*Questions.*

1. In the case of a man voting in respect of a residence qualification—

Have you already voted at this general election in respect of a residence qualification?

2. In the case of a man voting in respect of a qualification other than a residence qualification—

Have you already voted at this general election in respect of a qualification other than a residence qualification?

3. In the case of a woman voting at an election other than a university election—

Have you already voted at this general election?

[NOTE.—Unless the answer to the question is in the negative, the woman shall not vote unless she satisfies the presiding officer that her previous vote was given at a university election.]

*Declarations at University Election. (Applicable only at a General Election.)*

*(In the case of a man)*—"I have not voted at this general election in respect of any qualification other than a residence qualification."

*(In the case of a woman)*—"I have not voted at this general election for any other university constituency."

### THIRD SCHEDULE.

#### PROVISIONS AS TO VOTING BY PROXY.

1. A proxy must be appointed by means of a proxy paper issued to the elector, or to some person on behalf of the elector, or to the person appointed as proxy, by the registration officer of the constituency in which the elector is registered, on an application made or authorised by the elector in accordance with regulations under this Act.

2. After a proxy paper for any constituency has been issued in accordance with this Act, the elector shall, unless the proxy paper is cancelled in accordance with this Act—

(a) be entitled to vote by proxy in that constituency ;  
and

(b) be prohibited from voting otherwise than by proxy  
in that constituency ;

until the time for which the proxy paper is in force has expired.

3. It shall be the duty of the registration officer, on any application for a proxy paper, to issue a proxy paper to the applicant, or to some person on his behalf, or to the person appointed as proxy, if he is satisfied that the applicant is registered on the parliamentary register of electors for the constituency in respect of which the application is made, and is, at the time of the application, entitled to appoint a proxy.

By sect. 2, sub-sect. 2, Representation of the People Act, 1920, sub-sect. 4 of the Third Schedule is to read :—

"4. A proxy paper, unless cancelled, shall remain in



force so long as the elector continues to be registered in respect of the same qualification and to be on the absent voters list."

5. A person shall not be appointed as proxy under this Act, unless the person appointed is the wife, husband, parent, brother, or sister of the elector, or is registered as a parliamentary elector for the constituency or one of the constituencies in which the elector is registered.

Provided that the brother or sister shall not be capable of being appointed proxy unless of full age.

6. An elector shall not appoint more than one person as proxy to vote on his behalf in the same constituency, and in any case not more than two persons.

7. A person shall not vote as proxy on behalf of more than two absent voters at an election in any constituency unless that person is voting as the husband or wife or the parent, brother, or sister of the absent voter.

8. A registration officer shall keep a list of absent voters entitled to vote by proxy in any constituency within his area, and of the persons entitled to vote as proxies, and that list shall be open to inspection during business hours at some convenient place named by the registration officer in the constituency.

A registration officer shall, on the application of any person, allow that person to take extracts from, or, on payment of the prescribed fee, supply to that person copies of the list.

9. The Ballot Act, 1872, and any other Act regulating the holding of parliamentary elections, including any provisions imposing penalties in connection with voting at those elections, shall apply to persons voting as proxies in pursuance of this Act as they apply to voters, however described in those Acts, with such modifications as may be prescribed for the purpose of adapting the provisions of those Acts to voting by proxy; and any provisions of those Acts imposing penalties for offences in connection with ballot papers or the official mark on a ballot paper may be applied by those regulations to proxy papers and any official mark on a proxy paper.

10. If any person—

- (a) who is for the time being entitled to vote by proxy in a constituency under this Act, himself votes or attempts to vote at any parliamentary election in that constituency otherwise than by means of the proxy paper, while the proxy paper is in force ; or
- (b) votes or attempts to vote as proxy on behalf of more than two absent voters at an election in any constituency unless that person is voting as the husband or wife or the parent, brother, or sister of the absent voter ; or
- (c) votes or attempts to vote at any election under the authority of a proxy paper when he knows or has reasonable grounds for supposing that the proxy paper has been cancelled, or that the elector to whom or on whose behalf the proxy paper has been issued is dead or no longer entitled to vote at that election ;

that person shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and the expression “corrupt practice” shall be construed accordingly : Provided that the court before whom a person is convicted under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by section ten of the Corrupt and Illegal Practices Prevention Act, 1883.

11. A ballot paper shall not be delivered to a person who claims to vote as proxy for the purpose of so voting unless he produces the proxy paper to the presiding officer at the polling station, and such questions may be asked of any person at a parliamentary election who claims to vote as proxy for any elector (in addition to those already authorised to be asked) as may be prescribed by regulations made under this Act.

12. Stamp duty shall not be chargeable on any proxy paper under this Act.

13. A proxy paper may be cancelled by an elector by giving notice to the registration officer in the prescribed form,

14. A notice cancelling a proxy paper shall not take effect as respects any election unless it is received by the registration officer before the day of nomination.

15. In the application of this schedule to Scotland the expression "the registration officer of the constituency in which the elector is registered" means "the registration officer of the registration area in which the elector is registered."

#### FOURTH SCHEDULE.

PROVISIONS TO BE SUBSTITUTED FOR PART IV. OF THE  
FIRST SCHEDULE TO 46 & 47 VICT. C. 51, AND  
FOR PARAGRAPH (3) OF PART V. OF  
THE SAME SCHEDULE.

##### *Maximum Scale.*

The expenses first above mentioned in Parts I., II., and III. of this Schedule, other than personal expenses and the fee (if any) paid to the election agent (not exceeding, in the case of a county election £75, and in the case of a borough election £50), without reckoning for the purposes of that limit any part of the fee which may have been included in the expenses mentioned above, shall not exceed an amount equal—

in the case of a county election to sevenpence for each elector on the register ;

in the case of an election for a borough, to fivepence for each elector on the register.

Where there are two or more joint candidates at an election, the maximum amount of expenses mentioned in Parts III. and IV. of this Schedule shall, for each of the joint candidates, be the amount produced by multiplying a single candidate's maximum by one and a half and dividing the result by the number of joint candidates.

## FIFTH SCHEDULE.

## PART I.

PROVISIONS AS TO UNIVERSITY ELECTIONS OTHER THAN  
SCOTTISH UNIVERSITY ELECTIONS.*Returning Officer.*

1. The returning officer shall be—

- (a) in the case of the Oxford, Cambridge, and London University constituencies respectively, the Vice-Chancellor of the university;
- (b) in the case of the Dublin University constituency, the Provost of Trinity College; and
- (c) in the case of the combined English university constituency, the Vice-Chancellor, Principal, or Corresponding Officer of such university, being one of the combined universities as may be from time to time appointed by the Board of Education for that purpose;

and the writ for any election of a member or members of Parliament for a university constituency shall be directed to the returning officer of that constituency.

2. It shall be the duty of the returning officer to make all arrangements for the election, including arrangements for the nomination of candidates, and the poll and counting of votes, and to certify the result of the election in pursuance of the writ.

*Nomination.*

3. The nomination shall take place on such day and at such time and place as may be fixed by the returning officer, being not less than four days and not more than twelve days after the receipt of the writ, and the returning officer shall give public notice of the day, time, and place so fixed within two days after he receives the writ.

4. The candidate must be nominated in writing by two electors as proposer and seconder, and by eight other

electors as assenting to the nomination, and his nomination must be delivered to the returning officer by some elector.

5. If, at the expiration of the time fixed for nomination, no more candidates are nominated than there are vacancies to be filled up, the returning officer shall declare the candidates who stand nominated to be elected and certify the result of the election accordingly.

6. If, at the expiration of the time fixed for nomination, more candidates stand nominated than there are vacancies to be filled up, the returning officer shall arrange for a poll to be taken.

7. A candidate may be withdrawn in manner provided by regulations made under this Act, and if, owing to the withdrawal of a candidate after nomination, a poll becomes unnecessary, the returning officer shall countermand the poll and declare any candidate elected whose nomination remains standing.

8. If one of the candidates nominated dies after he has been nominated and before the commencement of the poll, the returning officer shall countermand the poll and other proceedings for the election, and commence the same again as if the writ had been received by him on the day on which he is satisfied of the fact that the death took place.

No fresh nomination shall be required in the case of a candidate who stood nominated at the time the poll was countermanded.

### *Poll.*

9. The poll shall remain open for five days, and shall take place on such days as may be fixed by the returning officer, commencing not more than twelve and not less than three clear days after the day of nomination.

10. The returning officer shall appoint such polling places as appear to him to allow reasonable facilities for voting, and may give special directions that certain electors shall be allotted to certain polling places.

11. An elector may vote at a poll by the delivery of a voting paper (signed by the voter at any time subsequent to the nomination) in the form appended to this part of this schedule, or in a form to the same effect and accom-

panied with a like declaration, or, unless the returning officer directs to the contrary, in person, and may so vote at any polling place if he has not been allotted to any polling place, or, if he has been so allotted, at any polling place to which he has been so allotted.

The returning officer may give a special direction that votes shall not be given in person at the election, or that votes may be given in person on certain days of the poll only.

12. A voting paper may be delivered at a polling place on behalf of the voter by an elector, or by being sent to the presiding officer at the polling place by post, and any voting paper received by a presiding officer at a polling place at which the elector may vote before the close of the poll shall be counted, unless rejected as invalid.

Voting papers may also be sent to the returning officer by post, and any voting papers so received by the returning officer shall be sent by him to the proper presiding officer.

13. The poll shall be open for such time between the hours of 8 a.m. in the morning and 8 p.m. in the evening, not being less than four hours, as the returning officer may direct, except that, if votes in person are received, but are not received on all the days of the poll, six hours shall be substituted for four as respects the days on which votes are so received as the minimum time under this provision.

14. The returning officer shall give public notice of the days and hours of poll and of the polling places appointed, and of any special directions given by him as to the days or hours of poll, or the allotment of electors to certain polling places, or as to voting in person.

15. The returning officer shall appoint a presiding officer for every polling place at which he does not act as a presiding officer himself, and the presiding officer shall have general control over the arrangements for voting at the polling place and shall record the votes of electors voting in person and receive voting papers.

16. Each candidate may appoint a person to be the candidate's representative at each polling place, and a candidate's representative may object to any voting paper



received at the polling place or to the vote of any person claiming to vote in person at that place, and the presiding officer shall submit any such objection to the returning officer for decision.

17. The returning officer shall decide on the validity of any voting paper to which objection is taken, or on the right of any person to vote in person, if that right is questioned, and the decision of the returning officer, if the voting paper or the right to vote is allowed, shall be final, but if the voting paper or the right to vote is disallowed, shall be subject to reversal on any proceeding questioning the election or return.

18. The register kept in pursuance of this Act shall be conclusive as to the right of any person to vote at the poll ; but this provision shall not entitle any person to vote if that person is subject to any legal incapacity.

A person shall not be entitled to be placed on the register as a graduate until the university authorities are satisfied that the grant of the degree is complete.

#### *Counting of Votes.*

19. After the poll is closed all voting papers received at any polling place and a record of votes (if any) given by electors in person shall be placed in a proper receptacle and sealed up and delivered to the returning officer, and the returning officer shall, as soon as practicable after the receipt of the votes from all the polling places, count the votes and publish the result.

20. The voting papers counted, and the record of votes (if any) given by electors in person and any papers which have been rejected as invalid, and a list of persons (if any) who have tendered their votes in person, but who have not been allowed to vote, shall be placed in separate packets, and shall be kept by the returning officer for a period of twelve months after the close of the poll.

21. The returning officer shall give notice to the candidates of the time and place for counting the votes, and shall permit any candidate and a representative author-



ised by the candidate for the purpose to be present at the count.

No person other than the returning officer, his assistants and clerks, and the candidates and representatives so authorised shall be entitled to be present at the count except with the sanction of the returning officer.

22. Where an equality of votes is found to exist between any candidates on a final count, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer, whether an elector or not, may give a deciding vote, but the returning officer shall not be entitled to vote at the election in any other case.

*Special Provisions for a combined University Constituency.*

23. In a combined university constituency the Vice-Chancellor, or the person performing the duties of a Vice-Chancellor, at each university forming the combination, shall, for the purpose of making arrangements for the poll and the holding of the poll, have at the university the powers and perform the duties of the returning officer (including the power and duty of deciding upon the validity of voting papers and the right of a person to vote.)

24. Arrangements may be made for counting votes at an election for a combined university constituency at each of the universities forming the combination, if neither the transferable nor alternative vote is used at that election, and for a record of the votes counted at each university being sent to the returning officer for the combined constituency in order that he may ascertain and declare the result of the election.

*General.*

25. The returning officer shall appoint such deputies and clerks as he may think necessary for the proper holding of the election, and shall supply a form of voting paper to any elector applying for such a form, and shall supply forms of nomination papers.

The governing body of the university may designate an

officer of the university to act temporarily as returning officer in the event of a vacancy in the office of returning officer or in the event of his incapacity to appoint a deputy.

26. Any expenses reasonably incurred by the returning officer in connection with the arrangements for a university election and the conduct thereof shall be repaid to the returning officer by the university.

In the case of a combined university constituency any such expenses incurred by the Vice-Chancellor or corresponding officer of each university shall be paid by the university whose Vice-Chancellor or officer has incurred the expenses, and any other such expenses shall be paid in equal shares by the universities forming the combination.

In the case of a combined university constituency any candidate's deposit which is forfeited to the university shall be retained by, or paid to, the university whose Vice-Chancellor or other officer is the returning officer of the combined constituency and applied by that university in the payment of the expenses which are, under this provision, to be paid in equal shares by the universities forming the combination.

27. A voting paper shall be deemed to be a public document within the meaning of subsection (3) of section four of the Forgery Act, 1913, and section five of the Perjury Act, 1911, applies to any declaration or statement made in the voting paper.

28. A voting paper shall not be liable to stamp duty.

29. If any person, for the purpose of enabling an elector to vote at a university election, corruptly pays on his behalf any fees which the elector is required to pay in order to be registered or entitled to vote, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and that Act shall apply accordingly.

30. In reckoning time for the purpose of the provisions in this Schedule, Sunday, Christmas Day, Good Friday, and any day set apart as a bank or public holiday or day of public fast or public thanksgiving shall be excluded; and where anything is required by these provisions to be

done on any day falls to be done on any such day that thing may be done on the next day not being one of any such days.

31. If regulations are made under this Act as to the manner in which public notice is to be given under the provisions of this Schedule, public notice shall be given in manner directed under any such regulations for the time being in force, and if no such regulations are in force shall be given in such manner as the Returning Officer considers best fitted for giving notice to the persons concerned.

32. An election shall not be declared invalid by reason of non-compliance with these provisions if it appears to the tribunal cognisant of the case that the election was conducted in accordance with the principle of these provisions and that the non-compliance with these provisions did not affect the result of the election.

*Form of Voting Paper.*

I, A.B. *(here give the elector's name in full with his university degree and college, if any),* give my vote as indicated below :—

Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper and have not voted in person at this election for the university constituency of

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\* I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification ;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed      A.B.

Address

The                      day of                      19 .

I declare that this voting paper (the voting paper having been previously filled in), was signed in my presence by A.B., who is personally known to me, on the      day of      19 .

Signed      C.D.

Address

### PART II.

#### PROVISIONS AS TO SCOTTISH UNIVERSITY ELECTIONS.

##### *Returning Officer.*

1. The returning officer for the combined Scottish University constituency shall be the Vice-Chancellor of the University of Edinburgh, to whom the writ for any election of a member or members of Parliament for that constituency shall be directed.

2. It shall be the duty of the returning officer to make all arrangements for the election, including arrangements for the nomination of candidates, and (where a poll is necessary) for the poll and counting of votes, and to certify the result of the election in pursuance of the writ.

3. The returning officer shall give notice to the candidates of the days fixed for the poll and of the time and place for counting the votes, and any candidate and an

\* This declaration is to be made only at a general election.

agent appointed by any candidate for the purpose may be present at the poll and the count.

No person other than the returning officer, his assistants and clerks, and the candidates and their agents shall be entitled to be present at the count except with the sanction of the returning officer.

### *Nomination.*

4. The nomination shall take place on such day and at such time and place as may be fixed by the returning officer, being not less than four days and not more than eight days after the receipt of the writs, and the returning officer shall give public notice of the day, time, and place so fixed within three days after he receives the writ.

5. The candidate must be nominated in writing by two electors as proposer and seconder and by eight other electors as assenting to the nomination, and his nomination must be delivered to the returning officer by some elector.

6. If, at the expiration of the time fixed for nomination, no more candidates are nominated than there are vacancies to be filled up, the returning officer shall declare the candidates who stand nominated to be elected and certify the result of the election accordingly.

7. If, at the expiration of the time fixed for nomination more candidates stand nominated than there are vacancies to be filled up, the returning officer shall arrange for a poll to be taken.

8. A candidate may be withdrawn in manner provided by regulations made under this Act, and if, owing to the withdrawal of a candidate after nomination, a poll becomes unnecessary, the returning officer shall countermand the poll and declare any candidate elected whose nomination remains standing.

9. If one of the candidates nominated dies after he has been nominated and before the commencement of the poll, the returning officer shall countermand the poll and other proceedings for the election and commence the same again

as if the writ had been received by him on the day on which he is satisfied of the fact that the death took place.

No fresh nomination shall be required in the case of a candidate who stood nominated at the time the poll was countermanded.

*Poll.*

10. The poll shall remain open for not less than four days nor more than six days, and shall take place on such days as may be fixed by the returning officer, commencing not more than twenty and not less than twelve clear days after the day of nomination.

11. The poll at each university shall be open at such place and for such time each day between the hours of 8 a.m. and 8 p.m., not being less than four hours, as the Vice-Chancellor of the university shall direct.

12. The Vice-Chancellor of each university shall give public notice of the days and hours of poll and of the polling place appointed.

13. The Vice-Chancellor of each university shall at the university act as presiding officer and shall have general control over the arrangements for the conduct of the poll at such university.

14. No person other than the Vice-Chancellor, the registrar, their assistants and clerks, and the candidates and their agents shall be entitled to be present at the poll except with the sanction of the Vice-Chancellor.

15. The Vice-Chancellor of each university shall as regards the voting papers relating to such university decide on the validity of any voting paper to which objection is taken, or on the right of any person to vote, and the decision of the Vice-Chancellor if the voting paper or the right to vote is allowed, shall be final, but, if the voting paper or the right to vote is disallowed, shall be subject to reversal on any proceeding questioning the election or return.

16. The register kept in pursuance of this Act by the university Court shall be conclusive as to the right of any person to vote at the poll; but this provision shall not



entitle any person to vote if that person is subject to any legal incapacity.

17. Votes shall be given by means of voting papers, and no elector shall be allowed to vote in person, or in any other way than is herein provided. Each voting paper shall be in the form (A) appended to this schedule. Each voting paper shall have a number printed or written on the back thereof, and shall have attached a counterfoil with the same number printed or written on the face. Before a voting paper is issued to an elector as hereinafter provided, it shall be marked with an official mark, either stamped or perforated, and the number of such elector as stated on the register, shall be marked on the counterfoil, and a mark shall be placed in the register or any copy thereof used for the purposes of the election against the number of the elector to denote that a voting paper has been issued to him.

18. The registrar of each university, as soon as he conveniently can after the day of nomination, and not later than eight clear days thereafter, shall issue through the post a voting paper, in the form (A) appended to this schedule to each elector to his address as entered on the register who shall appear from said address to be resident within the United Kingdom or the Channel Islands; and such voting paper (the Christian name, surname, designation, and residence of the elector as appearing on the register having previously been filled in by the registrar, or some one having his authority), contained in an envelope marked on the outside as sent by the registrar of the university, shall be accompanied by a letter of intimation in the form (B) appended to this schedule, and by a stamped envelope addressed to the registrar, for the return of the said voting paper; and each elector, upon receipt of his voting paper, if he desires to vote in the election, shall record his vote thereon, and the place and date of signature, and affix his subscription thereto, in the presence of one witness, who shall personally know the elector, and who shall attest the fact of such voting paper having been signed by the elector in his presence at the place therein



mentioned, by signing his name at the foot thereof, and adding his designation and place of residence in the form or to the effect set forth in form (A) appended to this schedule.

19. Thereafter the voting paper so signed and attested as aforesaid, shall, if the elector desires to vote in the election, be returned through the post to the registrar of the university by whom it was issued, so as to reach him not later than the time specified in the said letter of intimation for the return of the voting paper. Each voting paper, when received back by the registrar, shall be kept by him unopened in a fireproof safe, or other place of safety, until the poll begins.

20. If an elector, before or after he has received a voting paper, shall intimate or cause to be intimated in writing to the registrar that he is incapacitated from blindness or other physical cause to vote in the manner prescribed by this Act, it shall be lawful for the registrar, on getting back the voting paper from the elector, if such has been issued, to issue to the elector so incapacitated a voting paper in the form or to the effect set forth in form (C) appended to this schedule; and on said voting paper being received by the elector, it shall be competent for him to record his vote by the hand of a justice of the peace in the manner therein directed; and the said justice of peace shall certify and attest the fact of his having been requested and authorised by the elector to sign said voting paper for him, and of its having been so signed by him in the presence of the elector by signing an attestation in the form (C) aforesaid; and such voting paper, when received by the registrar, shall have the same effect and be similarly dealt with as a voting paper signed by an elector in the form (A) appended to this schedule.

21. An elector who has not received a voting paper sent by post as aforesaid to his address as appearing on the register, or who has before re-delivery thereof to the registrar, inadvertently spoilt his voting paper in such manner that it cannot be conveniently used as a voting paper, or who has lost his voting paper, may on his trans-

mitting to the registrar a declaration signed by himself before a justice of the peace setting forth the fact of the non-receipt, the inadvertent spoiling, or the loss of the voting paper, require the registrar to send him a new voting paper in place of the one not received, or spoilt, or lost ; and in case the voting paper has been spoilt, the spoilt voting paper shall be returned to the registrar, and when received by him shall be immediately cancelled, and in every case where a new voting paper is issued a mark shall be placed opposite the number of the elector's name on the register, to denote that a new voting paper has been issued in place of the one not received, or spoilt, or lost.

22. An elector who does not appear from his address as entered on the register to be resident within the United Kingdom or the Channel Islands, may apply in writing to the registrar to send a voting paper to him to an address within the United Kingdom or the Channel Islands.

23. The registrar, upon receiving an application in terms of either of the two preceding provisions hereof at any time before the day on which the poll begins, shall forthwith transit a new voting paper, or a voting paper, as the case may be, to the address as appearing on the register, or to the address within the United Kingdom or Channel Islands as the case may be : Provided that the registrar shall open all letters coming addressed to him from the Dead Letter Office after the date of his issuing the voting papers, in order to ascertain and make public the names and addresses of the electors whose voting papers have not reached them, which he shall do by exhibiting publicly at his office in the university as they reach him a list of the names and addresses of the electors whose letters have been returned to him from the Dead Letter Officer, for the information of all concerned.

24. When the poll begins, the voting papers shall be opened and examined by the registrar in the presence of the Vice-Chancellor and any candidate or agent of a candidate who may attend, and the voting papers found to be marked with the official mark and the number on the

back as appearing on the counterfoil, and otherwise regular, shall be put apart until the end of the poll. Any voting paper which has not the official mark and the number on the back as appearing on the counterfoil, or which is in the opinion of the Vice-Chancellor otherwise invalid, shall not be counted as a vote in the election, but shall be sealed up in a paper apart, marked on the back thereof with the words "voting papers received but disallowed," and initialled by the Vice-Chancellor.

25. It shall be lawful for any candidate or the agent of any candidate who may be in attendance at the poll, to inspect any voting paper and to object to it on one or more of the following grounds :—

- (1) That the elector named in the voting paper has already voted at that election :
- (2) That the person giving a vote by the voting paper is not qualified to vote :
- (3) That the voting paper is forged or falsified :
- (4) That the voting paper is wanting in any of the essential conditions required by this Act :

Provided, that in case the objection offered to any voting paper shall be that it is forged or falsified, such voting paper shall not on that ground alone be disallowed by the Vice-Chancellor, but he shall write upon it, "objected to as forged," or "objected to as falsified," together with the name of the person making such objection.

26. No voting paper shall be counted which does not reach the registrar before ten of the clock on the morning of the day on which the poll closes.

### *Counting of Votes.*

27. After the poll is closed all voting papers received at any polling place shall be placed in a proper receptacle and sealed up and delivered to the returning officer, and the returning officer shall, as soon as practicable after the receipt of the votes from all the polling places, count the votes and publish the result.

28. Where an equality of votes is found to exist between any candidates on a final count and the addition of a vote

would entitle any of these candidates to be declared elected, the returning officer may give a deciding vote, but the returning officer shall not be entitled to vote at the election in any other case.

*General.*

29. Arrangements may be made for counting votes at an election for the combined university constituency at each of the universities forming the combination, if neither the transferable nor alternative vote is used at that election, and for a record of the votes counted at each university being sent to the returning officer for the combined constituency in order that he may ascertain and declare the result of the election.

30. The returning officer shall appoint such deputies and clerks as he may think necessary for the proper holding of the election, and shall supply forms of nomination papers.

31. All voting papers received and counted at an election, and the counterfoils thereof, as well as any voting papers disallowed for informality, or on any other ground, and the counterfoils thereof, shall be filed, and, along with any copy of the register used for the purposes of said election, shall be kept by the returning officer for a period of twelve months after the closing of the poll.

32. Any person falsely or fraudulently signing any voting paper in the name of any other person, either as a voter or as a witness, and every person signing, certifying, attesting, or transmitting as genuine any false or falsified voting paper, knowing the same to be false or falsified, or with fraudulent intent altering, defacing, destroying, withholding, or obstructing any voting paper, shall be guilty of a crime and offence, and shall be punishable by fine or imprisonment for a term not exceeding one year.

33. No such voting paper as hereinbefore mentioned shall be liable to any stamp duty.

34. Any expenses reasonably incurred by the Vice-Chancellor of each university in connection with the arrangements for an election shall be repaid to him by that university: Provided that any expenses so incurred by

the returning officer in connection with the nomination and the counting of votes shall be paid in equal shares by the four universities forming the constituency.

35. If any person, for the purpose of enabling any other person to vote at a university election, corruptly pays on his behalf any fees which such other person is required to pay in order to be registered or entitled to vote, he shall be guilty of an illegal practice within the meaning of the Corrupt and Illegal Practices Prevention Act, 1883, and that Act shall apply accordingly.

36. In reckoning time for the purpose of the provisions in this Schedule, Sunday, Christmas Day, and any day set apart as a bank or public holiday or public fast or public thanksgiving shall be excluded; and where anything required by these provisions to be done on any day falls to be done on any such day it may be done on the next day not being one of any such days.

37. If regulations are made under this Act as to the manner in which public notice is to be given under the provisions of this schedule, public notice shall be given in manner directed under any such regulations for the time being in force, and if no such regulations are in force shall be given in such manner as the returning officer or the Vice-Chancellor, as the case may be, considers best fitted for giving notice to the persons concerned.

38. An election shall not be declared invalid by reason of non-compliance with these provisions if it appears to the tribunal having jurisdiction that the election was conducted in accordance with the principle of these provisions and that the non-compliance with these provisions did not affect the result of the election.

39. Where the Vice-Chancellor or registrar of any university is absent, or is incapacitated by illness for discharging any duty required of him by this Act, or if the office of Vice-Chancellor or of registrar shall be vacant, the duties by this Act imposed on the Vice Chancellor or registrar respectively shall be discharged by a person appointed for that purpose by the University Court of such university; and such person shall in that respect,

but in no other, act for the time as and be deemed to be Vice-Chancellor or registrar of such university

## FORM A.

UNIVERSITY OF (*Name of University*) VOTING PAPER.

No. (*number of elector as on the register*).

I, A.B. (*here give the elector's name in full and his designation*), give my vote as indicated below:—

* Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

†I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification ;

(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed A.B.

Address

The                      day of                      19 .

\* This form will require modification where the transferable vote is not used at the election.

† This declaration is to be made only at a general election.



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I declare that this voting paper (the vote having been previously recorded thereon), was signed in my presence by A.B., who is personally known to me, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Signed C.D.

Designation

Address

## FORM B.

UNIVERSITY OF *(Name of University)*.

### REGISTRAR'S LETTER.

No. *(number of elector as on the register)*.

Persons nominated.	Proposed by	Seconded by
A	Name of Proposer	Name of Seconder
B	Do.	Do.
C	Do.	Do.
D	Do.	Do.

SIR,

I HAVE to intimate that the above-named persons have been nominated for the office of member of Parliament. Along with this letter you will receive a voting paper, and, should you desire to vote at this election, I have to request that you will record your vote thereon and the place and date of your signing, and having signed your name thereto in presence of one witness, who will also sign his name as directed, you will return the voting paper by post to me at the University of \_\_\_\_\_, so as to reach me on or before 10 a.m. of *(insert the day on which poll finally closes)*.

I am, &c.

(Date.)

(Signed)

G. H., Registrar.



## FORM C.

UNIVERSITY OF (*Name of University*) VOTING PAPER.  
INCAPACITATED ELECTOR.No. (*number of elector as on register*).

I, A.B. (*here give the elector's name in full and his designation*), give my vote as indicated below, and I have requested and authorised C.D., a justice of peace, to make the entries in this voting paper on my behalf and on my instructions, and to subscribe this voting paper and declarations for me, as I am from (*state the incapacity*) unable to write :—

* Candidates.	Order of Preference.
A	
B	
C	
D	

I declare that I have signed no other voting paper at this election for the combined university constituency of the University of St. Andrews, the University of Glasgow, the University of Aberdeen, and the University of Edinburgh.

† I also declare—

(*In the case of a man*) that I have not voted at this general election in respect of any qualification other than a residence qualification ;

\* This form will require modification where the transferable vote is not used at the election.

† This declaration is to be made only at a general election.

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(*In the case of a woman*) that I have not voted at this general election for any other university constituency.

Signed      A.B.

Address

The              day of              19      .

I, C.D., a justice of peace for              , and residing at              , hereby declare that A.B., before named being personally known to me, did in my presence make the declaration(s) before mentioned, and did duly request and authorise me to make the entries in this voting paper on his behalf and on his instructions, and to subscribe this voting paper for him, which I did on              day of              19      , in the presence of the said A.B.

(Signed) C.D., a justice of peace for              and residing at              .

### SEVENTH SCHEDULE.

#### RETURNING OFFICERS FOR SCOTTISH CONSTITUENCIES SITUATED IN MORE THAN ONE SHERIFFDOM.

Montrose District of Burghs :—Sheriff of Forfar.

Ayr and Bute (Bute and Northern) :—Sheriff of Ayr.

Berwick and Haddington :—Sheriff of the Lothians and Peebles.

Caithness and Sutherland : Sheriff of Caithness, Orkney, and Zetland.

Inverness and Ross and Cromarty (Western Isles) :—Sheriff of Ross, Cromarty, and Sutherland.

Perth and Kinross (Kinross and Western) :—Sheriff of Perth.

Renfrew (Eastern) :—Sheriff of Renfrew and Bute.

## CORRUPT AND ILLEGAL PRACTICES PREVENTION ACT, 1883.

Sect. 18.—Every bill, placard or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice, and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Sect. 20.—(a) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorised by a licence (whether the licence be for consumption on or off the premises); or

(b) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club; or

(c) Any premises whereon refreshments of any kind, whether food or drink, is ordinarily sold for consumption on the premises; or

(d) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room, shall also be guilty of illegal hiring: Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Sect. 29.—(1) Every payment made by an election agent, whether by himself or a sub-agent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than forty shillings, be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this Act shall be barred and

shall not be paid ; and subject to such exception as may be allowed in pursuance of this Act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

(3) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidates returned are declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Act, and not otherwise ; and subject to such exception as may be allowed in pursuance of this Act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidates returned are declared elected.

Sect. 33.—Within thirty-five days after the day on which the candidates returned at an election are declared elected, the election agent of every Candidate at that election shall transmit to the returning officer a true return (in this Act referred to as a return of election expenses) in the form set forth in the second schedule to this Act or to the like effect.

[The return includes a statement of all pay-

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ments made by the election agent, with bills and receipts, amount of personal expenses of the candidates, of all disputed claims or unpaid claims, and of all money, etc., received by the election agent from the candidate or any other person for the purposes of the expenses of the election.]

Schedule I, part I, provides that the persons who may be legally employed for payment are: one election agent, one sub-agent for each polling district (in a county), and one polling agent in each polling station. In a borough, one clerk and one messenger for every complete 500 electors on the register or incomplete 500 over that number; in a county, one clerk and one messenger for each polling district in the county, or where the electors exceed 500, one clerk and one messenger for each 500 or incomplete 500 over the first number. It is also provided that the number of clerks and messengers allowed in any county may be employed in any polling district where their services may be required. In addition, in a county in the central committee room one clerk and one messenger may be employed; if the electors in the county exceed 5,000 then one clerk and one messenger for every complete 5,000 on the register, or incomplete 5,000 over that number.

# REPRESENTATION OF THE PEOPLE (No. 2) ACT, 1920.

## CHAPTER 35.

AN ACT TO MAKE FURTHER PROVISION WITH RESPECT TO THE TIME FOR THE COUNTING OF VOTES AT PARLIAMENTARY ELECTIONS, AND TO AMEND THE LAW WITH RESPECT TO THE RIGHT OF VOTING BY PROXY; AND FOR PURPOSES CONNECTED THEREWITH.

[16th August, 1920.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### *Time for Counting Votes at Parliamentary Elections.*

8 Geo. 5, c. 64; 8 & 9 Geo. 5, c. 50.

1. Subsection (3) of section twenty-three of the Representation of the People Act, 1918 (hereinafter referred to as the principal Act), and section one of the Representation of the People (Amendment) Act, 1918 (which enable provision to be made temporarily for counting the votes at certain elections at a time after the close of the poll to be fixed by Order in Council), shall cease to have effect.

### *Extension of Right to Vote by Proxy.*

2.—(1) Section twenty-three of the principal Act shall have effect as though the following subsection were substituted for subsection (4) thereof :—

“(4) Any person whose name is entered on the absent voters list, and who makes a statement in the prescribed form that there is a probability that he will at the time of a parliamentary election be at sea or out of the United Kingdom, and satisfies



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the registration officer as to the *bona fides* of such statement, shall be entitled if he so desires to appoint a proxy, and having appointed a proxy to vote by proxy in accordance with and subject to the provisions of this Act.

“ No ballot paper shall be sent for the purpose of voting by post to a person who has appointed a proxy under this provision while the appointment is in force, or to any person unless the address of that person recorded by the registration officer is an address in the United Kingdom.

“ The provisions set out in the Third Schedule to this Act shall have effect with respect to voting by proxy.”

(2) The Third Schedule to the principal Act shall have effect as though the following paragraph were substituted for paragraph 4 :—

“ 4. A proxy paper, unless cancelled, shall remain in force so long as the elector continues to be registered in respect of the same qualification, and to be on the absent voters list.”

(3) Any proxy paper in force at the date of the commencement of this Act shall continue in force as though it had been issued under the principal Act as amended by this Act.

### *Day of Poll at By-elections.*

3. In the case of a parliamentary by-election :—

(a) the day fixed for nomination in boroughs shall not be later than the seventh day after the returning officer receives the writ, with an interval of not less than two clear days between the day on which the returning officer gives the notice and the day of nomination ; and

(b) the poll shall take place on such day as the returning officer may appoint, not being less than six or more than eight clear days after the date fixed for nomination ;

# REPRESENTATION (No. 2) ACT, 1920 117

35 & 36 Vict. c. 33.

and the First Schedule to the Ballot Act, 1872, and subsection (1) of section twenty-one of the principal Act shall be modified accordingly.

## *Short Title and Commencement.*

4.—(1) This Act may be cited as the Representation of the People (No. 2) Act, 1920, and shall be included among the Acts which may be cited as the Representation of the People Acts, 1918 to 1920.

(2) This Act shall come into operation at the expiration of two months from the passing thereof, but where at the date on which this Act comes into operation a writ has been issued in respect of any election, this Act shall not apply to that election.

ORDER IN COUNCIL UNDER THE REPRESENTATION OF THE PEOPLE ACT, 1917 (7 & 8 GEO. 5, C. 64) PRESCRIBING FORM OF CERTIFICATE OF EMPLOYMENT OF ELECTOR BY RETURNING OFFICER AND MAKING REGULATIONS AUTHORISING REGISTRATION OFFICERS TO DISREGARD NOTIFICATION OF CHANGE OF ADDRESS AND APPLICATION FOR ISSUE OF PROXY PAPER BY ABSENT VOTER, RECEIVED LESS THAN TWO DAYS BEFORE ELECTION, AND AMENDING ORDER IN COUNCIL OF JUNE 4TH, 1918, AS TO NUMBERING OF ABSENT VOTERS LIST.

*4th day of September, 1918.*

Whereas under the Representation of the People Act, 1918 (hereinafter referred to as "the Act"), various matters are to be prescribed by His Majesty by Order in Council :

And whereas in particular provision is made by the Act as follows :—

" His Majesty may by Order in Council prescribe the forms to be used for registration purposes, and any fees to be taken in connection therewith, and alter the rules contained in the First Schedule to this Act for the purpose of carrying this Act into full effect." (s. 13 (2) ) :

" His Majesty may by Order in Council prescribe the forms to be used for the purposes of this section, and make regulations as to the mode in which proxy papers may be issued and cancelled and in which ballot papers are to be sent to the voter for the purpose of voting by post and as to the authentication of any marked ballot papers, and generally for the purpose of carrying this section into effect and for preserving the secrecy of voting in pursuance thereof. (s. 23 (6).)

“Where an elector for any constituency (other than a university constituency) is employed by the returning officer for that constituency for any purpose in connection with an election for that constituency, and the circumstances of that elector’s employment are, in the opinion of the returning officer, such as to prevent him from voting at the polling station at which the elector would otherwise be entitled to vote, the returning officer may authorise the elector, by a certificate given in the prescribed form, to vote at any other polling station in the constituency, and that polling station shall, for the purpose of Rule 18 of Part I. of the First Schedule to the Ballot Act, 1872, be deemed to be the polling station allotted to that elector.” (s. 24.)

And whereas by an Order in Council dated the fourth day of June, 1918, provision was made amongst other things as to the manner in which in England and Wales and Ireland the names in the absent voters list are to be numbered, and it is desirable that the said provision should be amended :

And whereas it is expedient, in order to avoid any question which may arise, to comply as respects England and Wales and as respects Ireland with the provisions of the Rules Publication Act, 1893, as to the matters dealt with under this Order, and it is necessary on account of urgency that any Order providing for the matters dealt with by this Order should come into operation forthwith :

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. The certificate to be given by a returning officer under section 24 of the Act shall be in the following form :—

CONSTITUENCY OF.....

I, the returning officer for the above constituency, hereby certify that A.B., being numbered                      on the register of electors for the                      Polling District of the above-mentioned constituency, is

employed by me for purposes in connection with an election for the said constituency, and that the circumstances of his employment are in my opinion such as to prevent him from voting at the polling station at which he would otherwise be entitled to vote, and I accordingly authorise him to vote at the polling station at the polling place.

Signed.....

*Returning Officer.*

2. Where the registration officer receives notification of an address or of a change of address of an absent voter for the purposes of the record of addresses required to be kept under the Act less than two clear days before the day of election the notice may for the purposes of that election be disregarded.

3. Where the registration officer receives an application for the issue of a proxy paper appointing a proxy less than two clear days before the day of election the notice may for the purposes of that election be disregarded.

4. The names on the absent voters list shall, instead of being numbered as prescribed by the above recited Order in Council of the fourth day of June, 1918, be numbered consecutively throughout the constituency commencing with the number one, and accordingly in the heading of the first column in the form in the Third Schedule to the said Order the words "as shown in the register" shall be omitted.

The number of an elector in the absent voters list shall be his number within the meaning of section 2 of, and Rule 24 of Part I. of the First Schedule to, the Ballot Act, 1872, for the purpose of voting by post, but not for the purpose of voting by proxy.

This Rule shall not apply to Scotland.

5. This Order shall take effect from the date hereof, and, except as respects Scotland, shall take effect provisionally in accordance with the provisions of Section 2 of the Rules Publication Act, 1893.

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